

# 2024 changes to the Shop and Warehouse (Wholesale and Retail Establishments) Award

## Introduction

This document is an overview of the changes to the State Shop and Warehouse (Wholesale and Retail Establishments) Award that commenced from the first full pay period on or after 5 June 2024. These changes to the WA award result from an order issued by the Western Australian Industrial Relations Commission (WAIRC) on 17 April 2024.

This is a summary only and does not contain information on all the changes.

The current WA award summary, available at [www.demirs.wa.gov.au/awardsummarie](http://www.demirs.wa.gov.au/awardsummarie), outlines the conditions that apply from the first full pay period on or after 5 June 2024.

## Overview of key changes

### Clause 1 Title

Clause 1 is the title. The title remains unchanged, except the year of the award has been removed.

### Clause 2 Arrangement

Clause 2 is the arrangement clause. As is common practice in updated awards, like

Clause 3 and Clause 4 of the award deal with the scope of coverage of the Shop and Warehouse Award and the areas of WA in which the award applies. The WAIRC has indicated it intends to review these clauses in future, in a separate matter to the current updates to the award content.

## Clause 5 Definitions

Clause 5 deals with definitions, and replaces Clause 6 of the existing award, as well as various definitions found in other parts of the existing award. A variety of definitions have been updated in the process, while several new definitions have been added.

Definitions that have been updated include:

- The definitions of “General Retail Shop”, “Small Retail Shop” and “Special Retail Shop” have all been updated to align with the current definitions of those establishments in the award.
- The definition of “Casual employee” (replacing the definition of “Casual Worker” currently in Clause 7 of the award) has been updated, to simply mean a person employed by the hour.

A variety of new definitions have also been added to the award, to help define key terms. These include:

- Commission
- Non-working day
- Ordinary time earnings
- Rostered day off
- Member of the employee’s family or household
- Standard hourly rate
- Standard weekly rate
- Standard meal allowance
- Standard motor vehicle allowance

Some definitions have been deleted, as they are either obsolete or are not used in the updated award. Definitions that have been deleted include:

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The prescriptive provisions in Part III of clause 3 of the existing award have been removed, as they are out-of-date and align with retail trading legislation as it existed in the early 1990s.

### Clause 13 ~~Shift work~~

Clause 13 deals with shift work and replaces Clauses 7A (Nightfill Duty) and 34 (Shiftwork) of the existing award bringing all shift work provisions within the one clause.

The updated shift work provisions are largely based on the provisions currently applying in clause 34. However, in order to cater for all workplaces, the updated clause applies to wholesale and retail establishments, and also provides for work to be performed on weekends (shiftworkers would receive the same weekend penalty rates applicable to non-shift workers, with any higher weekend rate replacing the weekday shift penalty).

Clause 7A has been deleted, and most of its provisions have not been replicated in the updated clause. The existing Nightfill penalty rates are flat dollar amounts (expressed as allowances) which were not adjusted for a number of years.

The definition of what constitutes "shift work" has been updated for clarity, and definitions of "day shift", "afternoon shift" and "night shift" have been modified to cover 24 hours of the day.

Ordinary hours of work are to be rostered in one of the methods described in Clause 12.4 (which applies to non-6 [(s)-12.226224



## Clause 20 Long service leave

Clause 20 deals with long service leave and replaces Clause 33 of the existing award. There is essentially no change to this clause, except the reference to the long service provisions" has been updated to the , reflecting the repeal of the long service leave provisions in 2006

## Clause 21 Bereavement leave

Clause 21 deals with bereavement leave and replaces Clause 38 of the existing award. The clause has updated to reflect those provisions of the MCE that are currently more favourable than what is retained in the award, including:

- updating the range of family or household members an employee may take bereavement leave for; and
- clarifying that the 2 days of bereavement leave need not be consecutive.

## Clause 22 Parental leave

Clause 22 deals with parental leave and replaces Clause 39 of the existing award. The clause has updated to reflect those provisions of the MCE that are currently more favourable than what is retained in the award, including:

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Clause 26 Penalty rates

Clause 26 deals with penalty rates for non







## Schedule G No reduction

Given the complexity of the existing award and the many different loadings and allowances that are currently spread across multiple clauses, a reduction provision has been included as a safeguard mechanism, to ensure