



A•S•U

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

T: (03) 9342 1400
F: (03) 9342 1499
E: info@asu.asn.au
W: www.asu.asn.au

National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

File/Our Ref: [AM2012/196](#)
Your Ref:
Please quote in reply

Tuesday 14 May, 2013

The Registry
Fair Work Commission

By Email: amod@fwc.gov.au

Dear Sir / Madam

Re: AM2012/196 - Application to Vary the General Retail Industry Award 2010

The ASU has read the submissions of the ACTU and SDA both lodged on 21st March 2013 and strongly supports these submissions in relation to the SDA application to vary Junior Rates (Clause 18) in the General Retail Industry Award 2012.

The ASU has members and coverage of clerical and administrative employees employed in the retail industry.

The ASU also has membership and coverage of employees covered by other modern awards which retain junior rates as follows:

- Airline Operations Ground Staff Award 2010
- Business Equipment Award 2010
- Contract Call Centres Award 2010
- Clerks - Private Sector Award 2010
- Legal Services Award 2010
- Local Government Industry Award 2010

However the following awards relevant to the ASU do not have Junior Rates:

- Labour Market Assistance Industry Award 2010
- Social, Community, Home Care and Disability Services Industry Award 2010

In particular the ASU strongly supports the preliminary step towards the elimination of junior wages for workers aged 18 and above as there is overwhelmingly evidence of their formal recognition as Adults in Australia in the following critical forms:

- Legislation
- Common law
- Voting at all levels of Government.
- Rights to Marry, Drive, Access to Credit, and Drink alcohol,
- Societal.

Notwithstanding the above which has applied for some time and is indeed generational; in certain industries like Retail and those employing clerical/administrative workers; modern awards continue to preserve junior rates based solely on age. Many employers in these industries rely on these junior rates unfairly as a cheap form of labour in exchange for Adult levels of work performance.

Around 50 modern awards do not have Junior Rates and 18 year old employees are deemed Adult. However there is no legitimate reason for maintaining different definitions of an Adult across industry and related occupations.

The retention of Junior Rates is clearly discriminatory based on age (contrary to s.578(c) FW Act) and contrary to the modern awards objective (s 134(1)(e) in relation to the principles of equal remuneration for work of equal or comparable value.

If 2012 is not the right time to address a fair safety net for 18 to 20 year old award reliant employees, such as those employed in the Retail industry, then the ASU would ask when the right time will be in the future. Modern awards by definition can only be modern for 18 to 20 year old persons if they reflect all other current Australian laws, including the underpinning principles of the Fair Work Act, and social values.

The ASU submits that granting the application will commence the important process of removing age based discrimination in the Australian industrial relations system.

Yours faithfully



David Smith
NATIONAL SECRETARY

Tel: +61 3 9342 1401
Mobile: 0419 644 238
E-mail: dsmith@asu.asn.au