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Retail union appeal threatens young workers

The National Retail Association (NRA) will staunchly defend shorter minimum work shifts for young employees in the face of a union court challenge this week.

Fair Work Australia (FWA) last year varied the General Retail Industry Award to allow 1.5 hour shifts exclusively for secondary students, in recognition of the unique role of the retail sector in providing employment to students.

However, the Shop Assistants Union tried to overturn this decision by appealing to a Full Bench of Fair Work Australia. When the Union failed in this appeal they decided to take the very unusual step of appealing to the Federal Court of Australia. This appeal will be heard in the Federal Court in Melbourne tomorrow.

The National Retail Association, Australia's largest and most diverse retail industry organisation, has been prosecuting the shorter hours application since 2010. The Federal Court appeal is the third appeal proceeding NRA will resource in its long running battle to secure the shorter hours provision. NRA is the only retail organisation which is a party to the Federal Court proceedings.

Executive Director Gary Black said the case would play a significant role in how the retail sector performed in 2012, after difficult conditions in recent years.

"The decision previously reached by Fair Work Australia was in the best interests of employees, employers and the general public," Mr Black said.

"A successful appeal against the ruling to allow minimum 90-minute shifts for young workers will see the end of after school jobs and hurt retailers who will be forced to employ older workers who are available for longer shifts that start before school gets out."

The ruling the NRA is seeking to uphold includes conditions on who is eligible to work for the minimum shift, effectively protecting their rights and minimising the potential for exploitation of the Australian workforce.

Under the proposed change to the General Retail Industry Award, the FWA stated that the employee must be a full time high-school student, the work can only occur between 3.00pm and 6.30pm on a normal school day and the employee and their guardian must consent to the shorter period of work.

Additionally, the minimum shift may only be rostered when the employer is unable to offer a longer shift due to limited opening hours or because the employee is unavailable.

"If the union is successful in preventing minimum 1.5 hour shifts, it will rob school kids of a chance to participate in the workforce and negatively affect retailers such as newsagents and grocers who are only open until early evening.

"Overturning FWA's decision will inevitably result in young and vulnerable staff being laid off and denied work, particularly in regional areas where low-margin retail businesses simply cannot afford to pay for three hours' work when only one and a half hours is required," he said.

"One in every two young Australians relies on retail for an income. The sector shoulders the burden of transitioning the nation's young from school to work, in delivering critical employability skills, and helping develop important life and social skills."

The NRA has more than 3000 members and affiliates located across all states and territories. Its membership includes the majority of Australia's national retail chains and extends across the retail take-away food and fast food sectors.

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Gary Black is available for interviews. Contact CBC Group – Media and Public Affairs on (07) 3112 5250.