

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1999* - s. 698 - reprint of award

**VOLUNTARY WORK - EXTENDED TRADING HOURS - NON-EXEMPT  
SHOPS - AWARD - STATE**

Following the Declaration of the General Ruling in the 2010 State Wage Case (matter numbers B/2010/20 and B/2010/21), the *Voluntary Work - Extended Trading Hours - Non-Exempt Shops - Award - State* is hereby reprinted, pursuant to s. 698 of the *Industrial Relations Act 1999*.

I hereby certify that the Award contained herein is a true and correct copy of the *Voluntary Work - Extended Trading Hours - Non-Exempt Shops - Award - State* is at 1 September 2010.

Dated 1 November 2010.

[L.S.] G.D. Savill  
Industrial Registrar

**VOLUNTARY WORK - EXTENDED TRADING HOURS - NON-EXEMPT  
SHOPS - AWARD - STATE**

**PART 1 - APPLICATION AND OPERATION OF AWARD**

**1.1 Title**

The Title of this Award is *Voluntary Work - Extended Trading Hours - Non-Exempt Shops - Award - State*.

**1.2 Arrangement**

Subject Matter	Clause No.
Operation of Award	1.3
Application	1.4
Definitions	1.5

**PART 2 - COMMUNICATION, CONSULTATION AND DISPUTE RESOLUTION**

Dispute Settling Procedure	2.1
----------------------------	-----

**PART 3 - EMPLOYER AND EMPLOYEE DUTIES**

Notice of Extension of Trading Hours	3.1
Current Employee's Notice of Election	3.2
Current Employee's Election to be Honoured by Employer	3.3
Variation of Current Employee's Election	3.4

**PART 4 - AWARD COMPLIANCE**

Posting of Award	4.1
------------------	-----

**1.3 Operation of Award**

This Award shall take effect and have the force of law as from 10 May 2002.

**1.4 Application**

This Award shall apply to all current employees as defined who are employed in non-exempt shops as defined throughout the State of Queensland.

## **1.5 Definitions**

"Current employee" is an employee who is employed either on a weekly or casual basis in a non-exempt shop as at the date of operation of an amendment of the Trading Hours Order - Non-Exempt Shops Trading by Retail - State or of the *Trading (Allowable Hours) Act 1990* where the date of operation of the amendment of the Order or of the Act occurs after the date of the making of this Award, which has the effect of extending the prescribed trading hours.

"Order" means the Trading Hours Order - Non-Exempt Shops Trading by Retail - State.

"Non-Exempt Shop" means a shop defined as such under the *Trading (Allowable hours) Act 1990*.

"Employer" means any person or Company who operates a non-exempt shop.

"Union" means the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees or The Australian Workers' Union of Employees, Queensland.

"The Act" means the *Trading (Allowable Hours) Act 1990*.

## **PART 2 - COMMUNICATION AND DISPUTE RESOLUTION**

### **2.1 Dispute Settling Procedure**

In the event of any dispute arising between an employer and a current employee, work shall be continued as normal without any alteration to the *status quo* except where the continuation of work could be detrimental to the health or safety of an employee, and the dispute shall be dealt with in the following manner:

In the first instance, the matter will be raised by the employee with the person responsible for the drawing of the employee's roster.

Should the matter not be satisfactorily resolved within forty-eight hours, the employee may raise the matter with the manager of the shop or may seek that the Union do so on behalf of the employee.

Should the matter remain unresolved after a further forty-eight hours, the employer, the employee or the Union shall notify the Queensland Industrial Relations Commission with a view to the conciliation or if necessary, arbitration of the dispute.

## **PART 3 - EMPLOYER AND EMPLOYEE DUTIES**

### **3.1 Notice of Extension of Trading hours**

The employer will provide by written notice to each current employee twenty-eight days where possible clear notice of the date from which the employer proposes to implement an extension of trading hours arising from an amendment of the Order or of the Act. Such notice will clearly state the new span of trading hours, and will contain a form of election which will enable each current employee to indicate whether they do or do not elect to work within the extended hours. The form of election will contain provision for the signature of the current employee.

### **3.2 Current Employee's Notice of Election**

Each current employee will complete and return to the employer within seven days of the receipt of the notice of extension of trading hours a form of election duly signed.

### **3.3 Election to be Honoured by employer**

The employer will not draw a working roster which is contrary to the election of a current employee who has elected not to work within the extended trading hours. Neither will the employer alter a working roster to the disadvantage or prejudice of an employee who has made such an election.

### **3.4 Variation of Current Employee's Election**

A current employee's election may be varied in the following circumstances:

- (a) by mutual agreement between the current employee and the employer, recorded in writing; or
- (b) by written, signed and dated notice of change of election (notice), given to the employer by the current employee, twenty weeks after the date of the commencement of the additional trading hours:

Provided that the employer will implement a current employee's notice at the commencement of the next mutually acceptable roster cycle, but no earlier than 14 clear days after the date of the notice and will not unreasonably delay implementation of such notice.

## **PART 4 - AWARD COMPLIANCE**

### **4.1 Posting of Award**

The Manager of every Non-Exempt shop will arrange for a copy of this Award to be displayed in a conspicuous place, readily accessible to employees.

Dated 10 May 2002.

By the Commission,  
[L.S.] E.EWALD,  
Industrial Registrar.

Operative Date: 10 May 2002  
New Award - Voluntary Work - Extended Trading Hours - Non-  
Exempt Shops - Award - State  
Released: 26 June 2002