

INDUSTRIAL RELATIONS LEGISLATION, OPERATION OF THE SHOPS AND WAREHOUSE
(WHOLESALE AND RETAIL SHOPS) STATE AWARD 1977

180. Hon. C.L. Edwardes to the Minister for Consumer and Employment Protection

I refer to the public information campaign being carried out by the Minister's Department in relation to the implementation of the Labour Relations Reform Act 2002 and ask: -

- (a) is it correct that retail business proprietors are being told that, on the expiry of their workplace agreements, they will be obliged to operate under the Shops and Warehouse (wholesale and retail shops) State Award 1977;
- (b) is the Minister aware that this award provides for -
 - (i) double time on Saturday afternoons and Sundays; and
 - (ii) double time and a half on public holidays;
- (c) is the Minister aware of the impact that the introduction of this award will have on tourist towns throughout Western Australia;
- (d) has the Government carried out any form of economic impact analysis of this decision;
- (e) if so, what are the results;
- (f) if not, why not;
- (g) is the Minister aware that many businesses are aghast at what is being forced on them and say that they will have no option but to close; and
- (h) what is the rationale for forcing business proprietors to comply with a 25-year-old award?

Mr J.C. KOBELKE replied:

- (a) No. The Department's public information campaign informs employers that a State award may apply to them on the cessation of workplace agreements if alternative employment arrangements do not apply.
- (b) Yes.
- (c) The Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977 is not being introduced now. It has been operating since the 1970s.
- (d) No.
- (e) Not applicable.
- (f) The Government considers this to be an unjustified use of resources.
- (g) The Government has received some feedback from businesses to the effect they believe they will be unable to trade without the ability to undercut the award using workplace agreements.
- (h) The Labour Relations Reform Act 2002 does not force employers to operate under the award system. Employers may have various employment options available to them on the cessation of workplace agreements, including:
 - a) employer-employee agreements (EEAs). EEAs do not have to mirror award conditions, provided they do not overall disadvantage employees in comparison with the relevant award;
 - b) collective industrial agreements made with the relevant union (which again do not have to mirror award conditions – for example, the Shop, Distributive and Allied Employees' Association of Western Australia and various independent retailers have recently made flexible industrial agreements to cater for 7-day per week trading);
 - c) the relevant award. There are additionally mechanisms available under the new laws to facilitate award updating which are currently being utilised by both award parties and the Commission.