



DETERMINATION

Fair Work Act 2009

s 160—Variation of modern award to remove ambiguity or uncertainty or correct error

Application by The Australian Retailers Association

(AM2024/9)

GENERAL RETAIL INDUSTRY AWARD 2020

[MA000004]

Retail industry

JUSTICE HATCHER, PRESIDENT

DEPUTY PRESIDENT CLANCY

COMMISSIONER MATHESON

SYDNEY, 7 MAY 2024

Application to vary the General Retail Industry Award 2020 – proposed variation C – clause 16.6(b) – clause ambiguous and uncertain – award varied – rate of 200 per cent to apply to employee’s minimum hourly rate.

A. Further to the decision issued by the Commission on 6 May 2024 [[\[2024\] FWCFB 251](#)] the above award is varied as follows.

1. By deleting clause 16.6(b) and inserting the following:

- (b) If an employee starts work again without having had 12 hours off work, the employer must pay the employee for each hour worked at the rate of **200%** of the employee’s minimum hourly rate until the employee has a break of 12 consecutive hours.

NOTE: **Table 11—Penalty rates** in clause 22.1 prescribes the penalty rate payable for all work performed on public holidays.

B. This determination comes into operation on 14 May 2024. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth), this determination does not take effect in relation to a

particular employee until the start of the employee's first full pay period that starts on or after 14 May 2024.



PRESIDENT

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