

1. **Does the ARA agree that any worker, including one classified as an independent contractor engaging in work through a gig platform, should be entitled to at least the national minimum wage, including the casual loading, of \$24.80?**

Employees under the retail and hospitality awards should by law receive the minimum entitlement for their classification level and age, including the casual loading. The ARA does not have a view on gig platforms and the way those persons are paid as this is not a common feature of the retail industry.

2. **Does the ARA support the replacement of directly employed retail workers in ongoing work, with workers employed through a labour hire company?**

The ARA supports retailers to manage staff within the confines of the existing industrial relations framework.

3. **How many casual workers in the retail sector have successfully converted to a permanent role under the new casual conversion provision which came into effect on 26 March 2021?**

The substantial majority of casual employees in the retail industry work less than full time hours. While the ARA does not have data on how many employees have converted to permanent work, there are significant difficulties faced by casual employees who may be interested in conversion because the part-time provisions of the *General Retail Industry Award 2020* make it difficult for casual employees to take up permanent work.

Setting this substantial problem aside, it is too early to assess the prevalence of conversion. The obligations and rights regarding conversion do not crystallise until 6 months after the new provisions commenced.

4. **How many casual workers in the retail sector have requested to be converted to a permanent role under the new casual conversion provision which came into effect on 26 March 2021?**

See question 3.

5. **How many casual workers in the retail sector have been offered the opportunity to convert to a permanent role under the new casual conversion provision which came into effect on 26 March 2021?**

See question 3.

6. **How many eligible casual workers in the retail sector have NOT been offered the opportunity to convert to a permanent role, under the 'reasonable grounds' provision in the new casual conversion law which came into effect on 26 March 2021?**

See question 3.

7. **How many retail employers have contacted the ARA to request advice around supporting a casual worker's request to be converted to permanent employment since the new laws came into effect on 26 March 2021?**

The ARA has conducted a number of briefings and information sessions for members to

assist them to understand the new laws. The ARA does not have data that specifically identifies members who sought assistance with casual conversion request.

8. **A recent study by the Centre for Workplace Leadership at the University of Melbourne, looking at 2017 ABS data, found the average casual loading paid to sales assistants and salespersons is just 4%, not 25%. Does the ARA have any data to refute this claim?**

The research did not find that the casual loading paid to sales assistants and salespersons is 4% as it never assessed this. What the research assessed was the median hourly rate for permanent non-managerial retail employees and the median hourly rate for casual non-managerial employees and compared the two. The ARA does not believe that the research accurately identifies whether a casual loading was paid nor what that loading amount was. As far as the ARA is aware, the research does not have regard to the following factors:

- a) Changes to the primary industrial instrument. The primary industrial instrument for sales staff, the *General Retail Industry Award 2010* (now the *General Retail Industry Award 2020*) (**GRIA**) has undergone significant change in relation to casual employee entitlements, with those changes being phased in at times subsequent to the ABS data relied on in the research. Those changes are as follows:
  - i. casual employees working after 6pm on weekdays were paid the same amount as permanent employees prior to 1 November 2018. Now these employees are paid a 25% loading above the permanent employee rate;
  - ii. casual employees working on Saturdays were paid a 10% loading above the rate paid to permanent employees prior to 1 November 2018. Now these employees are paid a 25% loading above the permanent employee rate;
  - iii. casual employees working on Sundays were paid the same amount as permanent employees prior to 1 July 2017. Now these employees are paid a 25% loading above the permanent employee rate;
- b) Different classification levels. Non-managerial employees under the GRIA can be engaged at any of the eight classification levels. It is expected that employees at higher classification levels are more likely to be engaged on a permanent basis while casual employees are more likely to be engaged in entry level roles, and therefore at the Level 1 classification level. This is likely to inflate the median rate for permanent employees and therefore not provide a like for like comparison.