

From: ARA Policy <policy@retail.org.au>

Sent: Wednesday, May 22, 2024 9:10 AM

To: Awards <Awards@fwc.gov.au>

Subject: Additional ARA commentary on the FWC's Draft Delegates Rights Model Terms

Good morning,

Supplementary to the ARA's revised submission sent through on the 20 May 2024, we provide the following additional commentary on the FWC draft delegates' rights terms:

As to X.8 (a) we believe the following should be clarified:

- (i) Whether the proposed cap of 1 workplace delegate per 50 employees is to be assessed at a site or shift level.
- (ii) Where two unions have membership at a workplace site, is it to be reasonably presumed that this cap applies to both unions?

As to X.5 (e) there remains significant uncertainty as to the extent a workplace delegate can participate in enterprise bargaining. Does this provision allow for workplace delegates to attend all bargaining meetings and can therefore be paid for it? These complexities should be clarified.

As to X.6 (b) there is a prescription that workplace delegates can communicate during working hours with employees, if this is to be the case, to prevent the obstruction of business operations it would be pertinent to propose additional limits on workplace delegates communicating with employees during work hours (i.e communication must not exceed a specific time frame and can only occur during a reasonable period of time).

As to X.7 (c) the electronic means of communication that a workplace delegate must have access to is very broad. For this reason, we believe that this access should be limited to electronic means of communication where messages can be sent to an individual team member, rather than communication portals with wide-reaching access.

We note that given there was an extension for parties to comment on the proposed terms **until 5:00PM AEST on Wednesday, 22 May 2024**, this additional feedback should not be in issue.

We appreciate your understanding.

Kind regards,

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