

Workplace Relations Circular

For the information of members of Australian Business Industrial

CIRCULAR No.	CASE FILE No.	CIRCULAR DATE	IMPORTANT INFORMATION
2023/002	MA000038	09/01/2023	

ROAD TRANSPORT AND DISTRIBUTION AWARD 2020 – REMOVAL OF AMBIGUITY FOR NON-CONTINUOUS SHIFTWORK

On 23 December 2022, the Fair Work Commission (**Commission**) issued a final determination to give effect to its final Decision on 21 December 2022 to remove ambiguity or uncertainty surrounding the meaning of non-continuous shiftwork under clause 24.10 of the *Road Transport and Distribution Award 2010* and clause 22.10 of the *Road Transport and Distribution Award 2020 (RTD Award)*.

The Commission was satisfied with the below interpretation of clause 22.10:

“Short Shift View, which would entitle an individual shiftworker working on any afternoon or night shift to the penalties if the employer’s afternoon or night shift arrangement or roster itself did not continue for “at least 5 consecutive afternoons or nights” (as contended for by Toll).”

Instead of the below interpretation of clause 22.10:

“Individual View, which would entitle an individual shiftworker working on any afternoon or night shift to the penalties if that shiftworker themselves did not work “at least 5 consecutive afternoons or nights” (as contended for by the TWU)”

What are the changes to the Award?

Key Changes

- Inserting the words “shift roster” after the words “night shift which” appearing in clause 24.10 of the RTD Award 2010.
- Inserting the words “shift roster” after the words “night shift which” appearing in clause 22.10 of the RTD Award 2020.

Retrospective Variation

The Commission was satisfied with there being exceptional circumstances for the variation to take effect at a time earlier than the date on which the variation determination was made - in this decision, the variation will come into operation with effect from the commencement of operation of the RTD Award on 1 January 2010.

When will the changes come into effect?

The changes come into operation from the first full pay period on or after **1 January 2010**.

To view the determination [click here](#).

To view the decision [click here](#).

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