



## **Survey analysis for the *General Retail Industry Award 2010*<sup>1</sup> - Juniors survey**

**October 2020**

*The contents of this paper are the responsibility of Fair Work Commission staff and the research has been conducted without the involvement of members of the Fair Work Commission.*

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<sup>1</sup> Since the survey was undertaken the *General Retail Industry Award 2010* has been varied and consolidated as the [General Retail Industry Award 2020](#).

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## Section 1 - Introduction

The Fair Work Commission (Commission) is reviewing the *General Retail Industry Award 2020* (Retail Award) as part of its 4 yearly review of modern awards (the Review).

During the Review, the Shop, Distributive and Allied Employees Association proposed<sup>2</sup> an amendment in which junior rates would only apply to work undertaken by junior employees at Level 1 of the Retail Award. The proposal would result in junior employees working at higher levels being paid the full adult rate.

In order to assess the number of juniors that would be affected by the proposal, a survey<sup>3</sup> was conducted by the Commission titled '*Retail Award (juniors) survey*' (the survey) of enterprises covered by the Retail Award.

The purpose of the survey is to assist the Full Bench (in matter AM2017/60) in informing itself and the relevant parties about the information relating to the matter. The survey is not designed to be representative of all enterprises that employ workers covered by the Retail Award.

The survey questions were developed in consultation with parties in matter AM2017/60. Relevant documentation is posted to the Commission's website and is accessible via the link below:

<https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/award-stage/award-review-documents/MA000100?m=AM2014/285>

The following section provides an overview of the survey and summary of the results. The survey instrument and responses are attached as appendices.

The survey was open for a period of 5 weeks (from 11 February 2020 until 13 March 2020).

The survey was administered via an online platform. A link was sent by the Commission to each party (in matter AM2017/60) and the email was forwarded by each employer party to their members. Participation in the survey was limited to the membership of parties in matter AM2017/60 (or enterprises represented in the proceedings).

As a result, the total sample of enterprises surveyed is difficult to quantify. The analysis presented in this report is based on the 125 enterprises that provided a complete response to the survey.<sup>4</sup>

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<sup>2</sup> Most recently in the [SDA submission](#) – substantive issues, 5 June 2019.

<sup>3</sup> The survey was proposed in the hearing on 8 October 2019, see [transcript](#).

<sup>4</sup> In total, 125 enterprises provided a complete response to the survey. The number of surveys distributed among members of each employer party were not provided. It is estimated that the survey was sent out to approximately 5000 enterprises, generating an approximate response rate of 2.5 per cent.

## Section 2 – Summary of results

### 2.1 Overview

The analysis presented in this report is based on the 125 enterprises that provided a complete response to the survey. Due to the small sample size, results should be viewed as indicative only and cannot be extrapolated across the industry as a whole. Of the 125 completed responses, a significant proportion of enterprises had fewer than 20 employees (72 per cent).<sup>5</sup>

The survey was undertaken in 2 parts. The first part of the survey sought information in relation to employees covered by the Retail Award. The second part sought information in relation to employees covered by an enterprise agreement who would otherwise be covered by the Retail Award. In some instances, respondents to the survey have employees in both categories and completed both parts of the survey.

Thirty-nine per cent of survey responses were from enterprises that had employees covered by the Retail Award<sup>6</sup> and currently employ junior employees, compared with 10 per cent of enterprises that have employees covered by an enterprise agreement (where they would otherwise be covered by the Retail Award).<sup>7</sup>

### 2.2 Analysis of Retail Award covered employees

Of the 125 responses analysed, over 80 per cent of enterprises (103 responses) had employees covered only by the Retail Award (excluding those covered by an enterprise agreement), with 76 per cent of these enterprises employing fewer than 20 employees (Chart 1).<sup>8</sup> Of these 103 enterprises, almost half (49 responses or 47.6 per cent) currently employed junior employees<sup>9</sup> so that around 40 per cent of all survey responses had employees covered by the Retail Award and have junior employees.

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<sup>5</sup> See Question 1 of Appendix 2.

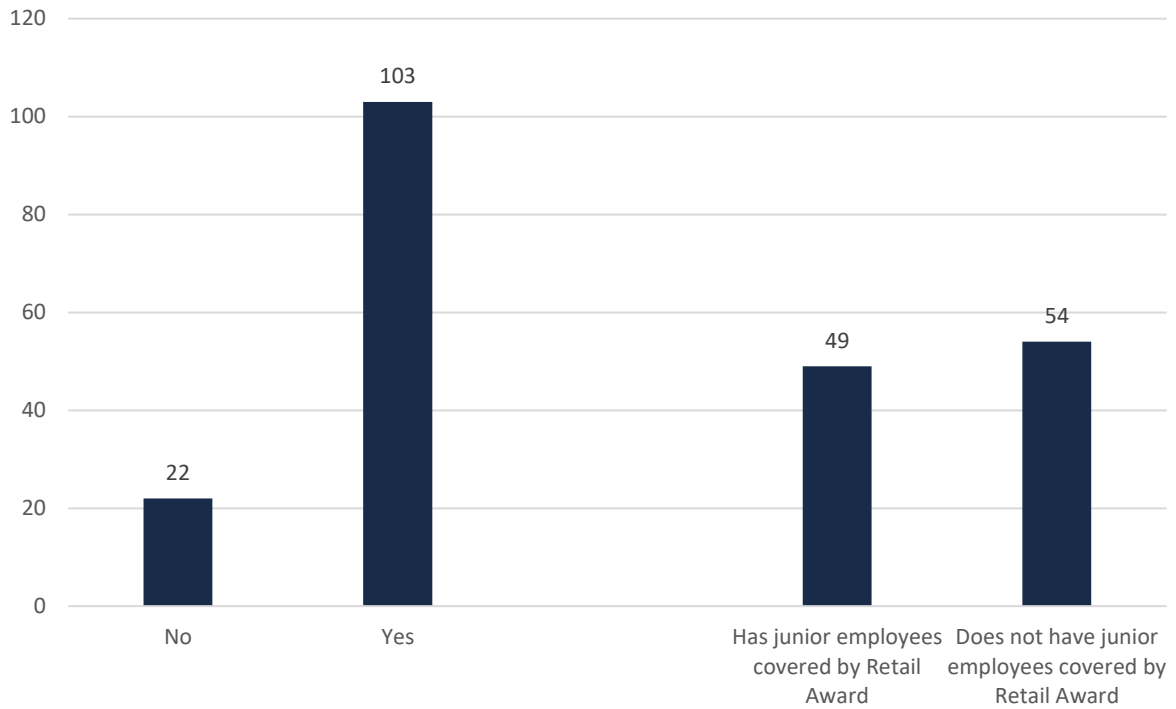
<sup>6</sup> See Question 6 of Appendix 2.

<sup>7</sup> See Question 13 of Appendix 2.

<sup>8</sup> See Question 4 of Appendix 2.

<sup>9</sup> See Question 6 of Appendix 2.

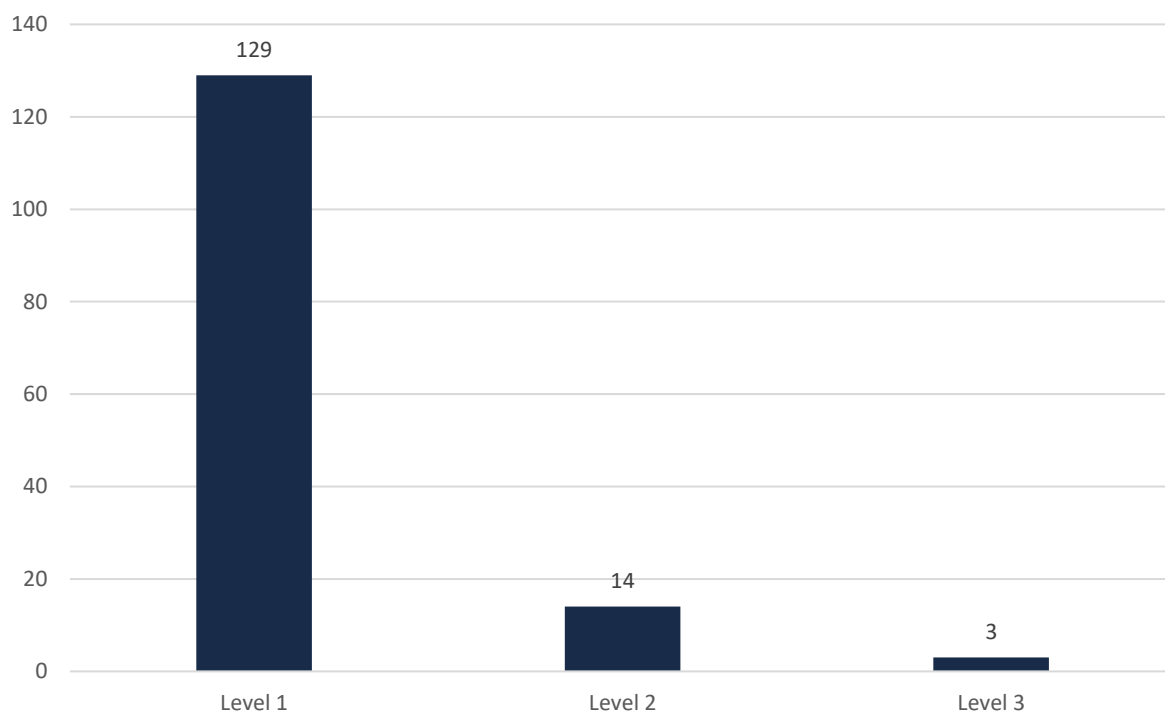
**Chart 1: Number of enterprises with employees covered by the Retail Award**



Source: Fair Work Commission, *Retail Award (juniors) survey 2020*, Question 3, Appendix 2.

Enterprises were asked to provide the number of junior employees covered by the Retail Award. A total of 146 junior employees were covered by the Retail Award among the enterprises. The majority (88.4 per cent or 129 junior employees) were employed at Level 1, 9.5 per cent were employed at Level 2 and around 2.0 per cent were employed at Level 3.

**Chart 2: Level juniors are employed at in enterprises covered by the Retail Award**



Source: Fair Work Commission, *Retail Award (juniors) survey 2020*, Question 7, Appendix 2.

Only around 10 per cent (5 responses) of enterprises confirmed that their junior employees had acted at a higher level during the 2 weeks prior to completing the survey. Table 1 presents the number of times higher rates were paid to junior employees acting at a higher level.

**Table 1: Higher duties paid to juniors under the Retail Award in the previous 2 weeks**

Classification levels of juniors being paid for higher duties	No of times higher duties paid to an employee
Level 1 juniors paid for less than 2 hours	2
Level 1 juniors paid for a whole day	3
Level 3 juniors paid for less than 2 hours	2
Level 3 juniors paid for a whole day	2

Source: Fair Work Commission, *Retail Award (juniors) survey 2020*, Questions 9, 10, 11 and 12, Appendix 2

### 2.3 Analysis of Enterprise agreement covered employees who would otherwise be covered by the Retail Award

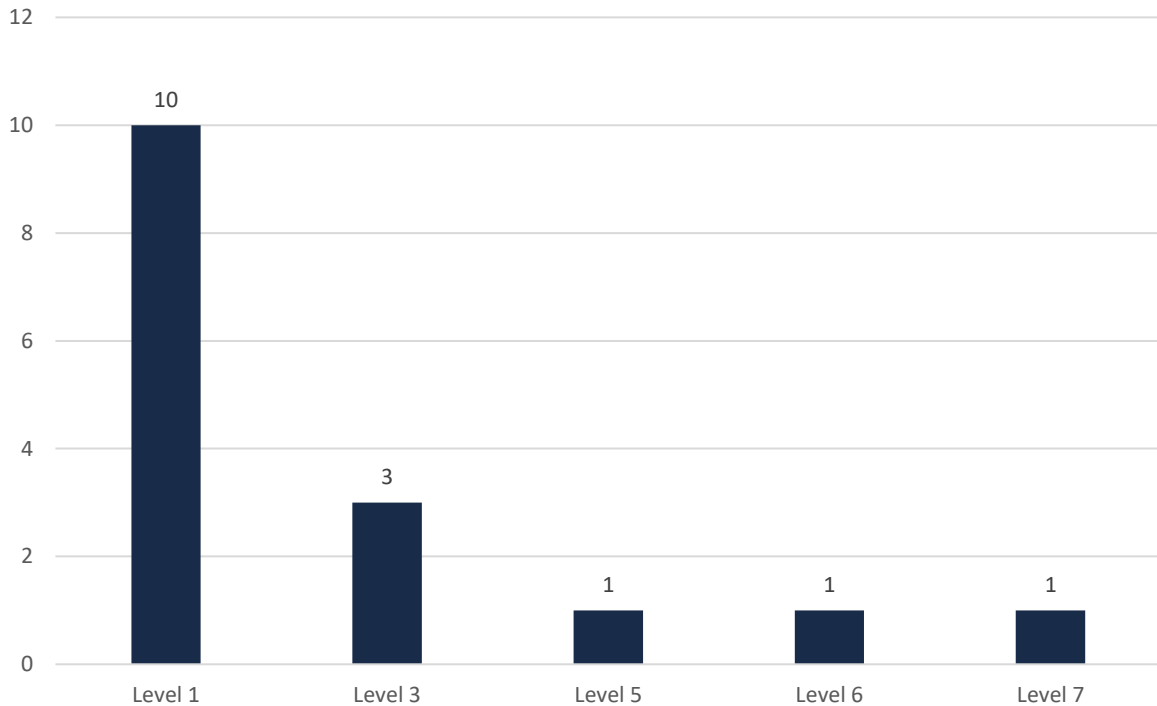
Of the 62 enterprises with an enterprise agreement applying to employees 10 per cent (6)<sup>10</sup> had an enterprise agreement that applied to employees who would otherwise be covered by the Retail Award and 94 per cent of these enterprises employed 20 or fewer employees.<sup>11</sup>

<sup>10</sup> See Question 13 in Appendix 2.

<sup>11</sup> See Question 14 in Appendix 2.

Only around 10 per cent of respondents (7 responses) had an enterprise agreement and employed juniors.<sup>12</sup> A total of 16 juniors were reported as employed in this section of the survey (Chart 3).<sup>13</sup>

**Chart 3: Levels juniors employed at in enterprises under enterprise agreements**



Source: Fair Work Commission, *Retail Award (juniors) survey 2020*, Question 17, Appendix 2.

Note: As the classification levels in enterprise agreements do not exactly match those in the Retail Award respondents were instructed to allocate the level that most closely corresponds to the Retail Award classification levels.

Table 2 below presents the number of occasions junior employees acted at a higher level in the 2 weeks prior to the survey.

In this instance, there is a higher proportion of Level 1 juniors being paid for higher duties for less than 2 hours than for juniors paid directly under the Retail Award.

**Table 2: Higher duties paid to juniors under and enterprise agreement who would otherwise be covered by the Retail Award in the previous 2 weeks**

Classification levels of juniors being paid for higher duties	No of times higher duties paid to an employee
Level 1 juniors paid for less than 2 hours	27
Level 1 juniors paid for a whole day	7
Level 3 juniors paid for less than 2 hours	2
Level 3 juniors paid for a whole day	5

Source: Fair Work Commission, *Retail Award (juniors) survey 2020*, Questions 19, 20, 21 and 22, Appendix 2

<sup>12</sup> See Question 16 in Appendix 2.

<sup>13</sup> See Question 17 in Appendix 2.

## Appendix 1 – Survey questions

1. How many employees do you currently employ in your enterprise?

- Fewer than 20 employees
- Between 20 and 49 employees
- Between 50 and 99 employees
- 100 or more employees

2. If you employ 100 or more employees in your enterprise, how many do you employ?

### Employees covered by the Retail Award

3. Does your enterprise have employees that are covered by the Retail Award (excluding any employees covered by an enterprise agreement)?

- Yes
- No

4. How many employees does your enterprise currently employ that are covered by the Retail Award (excluding any employees covered by an enterprise agreement)?

- Fewer than 20 employees
- Between 20 and 49 employees
- Between 50 and 99 employees
- 100 or more employees

5. If you employ 100 or more employees in your enterprise who are covered by the Retail Award (excluding any employees covered by an enterprise agreement), how many do you employ?

### Juniors employed under the Retail Award

6. Of those employees in your enterprise who are covered by the Retail Award, are any currently employed as junior employees (excluding any junior employees covered by an enterprise agreement)?

- Yes
- No

7. Of the junior employees your enterprise employs who are covered by the Retail Award, how many are employed at the classification levels set out below? (see table details in Section 4)

### Juniors employed under the Retail Award, higher duties

8. Clause 20.12 of the Retail Award provides that employees engaged for more than two hours for one day or shift, on duties carrying a higher rate than their ordinary classification rate, are to be paid the higher rate for such day or shift. Clause 20.12 of the Retail Award provides that employees engaged for more than two hours for one day or shift, on duties carrying a higher rate than their ordinary classification rate, are to be paid the higher rate for such day or shift. Employees engaged for 2 hours or less on duties carrying a higher rate than their ordinary classification rate are to be paid for time worked.

Of the junior employees your enterprise employs who are covered by the Retail Award (excluding any junior employees covered by an enterprise agreement), do any perform higher duties?



Yes

No

9. Of the Level 1 junior employees your enterprise employs who perform higher duties for less than 2 hours, on how many occasions were Level 1 junior employees at the following levels paid higher duties in the past 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift. (see table details in Section 4)

10. Of the Level 3 junior employees your enterprise employs who perform higher duties for less than 2 hours, on how many occasions were Level 3 junior employees at the following levels paid higher duties in the last 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift. (see table details in Section 4)

11. Of the Level 1 junior employees your enterprise employs who perform higher duties for a whole day or shift, on how many occasions were Level 1 junior employees at the following levels paid higher duties in the past 14 days? (see table details in Section 4)

12. Of the Level 3 junior employees your enterprise employs who perform higher duties for a whole day or shift, on how many occasions were Level 3 junior employees at the following levels paid higher duties in the past 14 days? (see table details in Section 4)

#### Employees covered by an enterprise agreement

13. Does an enterprise agreement apply to employees at your enterprise who would otherwise be covered by the Retail Award?

Yes

No

#### Number of employees covered by enterprise agreement

14. How many employees does your enterprise currently employ who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award)?

Fewer than 20 employees

Between 20 and 49 employees

Between 50 and 99 employees

100 or more employees

15. If you employ 100 or more employees in your enterprise who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) how many do you employ?

#### Juniors employed covered by an enterprise agreement

16. Does your enterprise currently employ junior employees who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award)?

Yes

No

17. Of the junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award), how many are employed at the classification levels set out below? The classification levels contained in your enterprise agreement may not precisely reflect the classifications in the Retail Award. Please insert the number of junior employees at the level that corresponds most closely to the equivalent Retail Award classification in the table. (see table details in Section 4)

### Juniors covered by enterprise agreement, higher duties (less than 2 hours)

18. Clause 20.12 of the Retail Award provides that employees engaged for more than two hours for one day or shift, on duties carrying a higher rate than their ordinary classification rate, are to be paid the higher rate for such day or shift. Employees engaged for 2 hours or less on duties carrying a higher rate than their ordinary classification rate, are to be paid for time worked.

Of the junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award), do any perform higher duties?

Yes

No

19. Of the Level 1 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and who perform higher duties for less than 2 hours, on how many occasions were Level 1 junior employees at the following levels paid higher duties in the past 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift. (see table details in Section 4)

20. Of the Level 3 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and who perform higher duties for less than 2 hours, on how many occasions were Level 3 junior employees at the following levels paid higher duties in the past 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift. (see table details in Section 4)

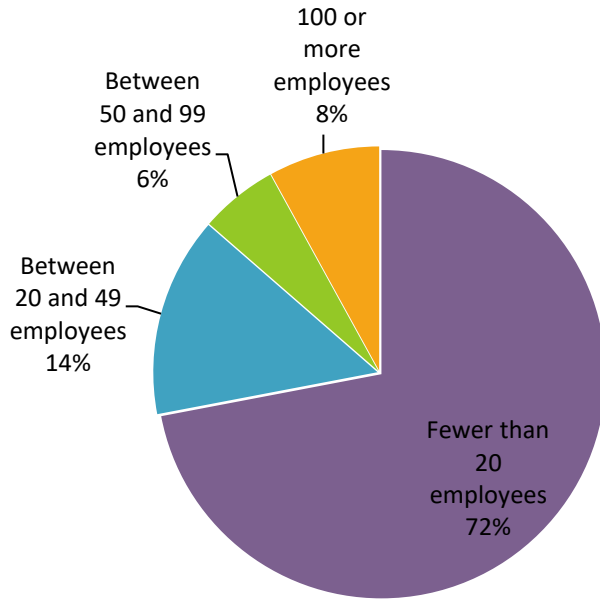
### Juniors covered by enterprise agreement, higher duties (whole day or shift)

21. Of the Level 1 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and perform higher duties for a whole day or shift, on how many occasions were Level 1 junior employees at the following levels paid higher duties for a whole day or shift in the past 14 days? (see table details in Section 4)

22. Of the Level 3 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and perform higher duties for a whole day or shift, on how many occasions were Level 3 junior employees at the following levels paid higher duties for a whole day or shift in the past 14 days? (see table details in Section 4)

## Appendix 2 – Survey responses

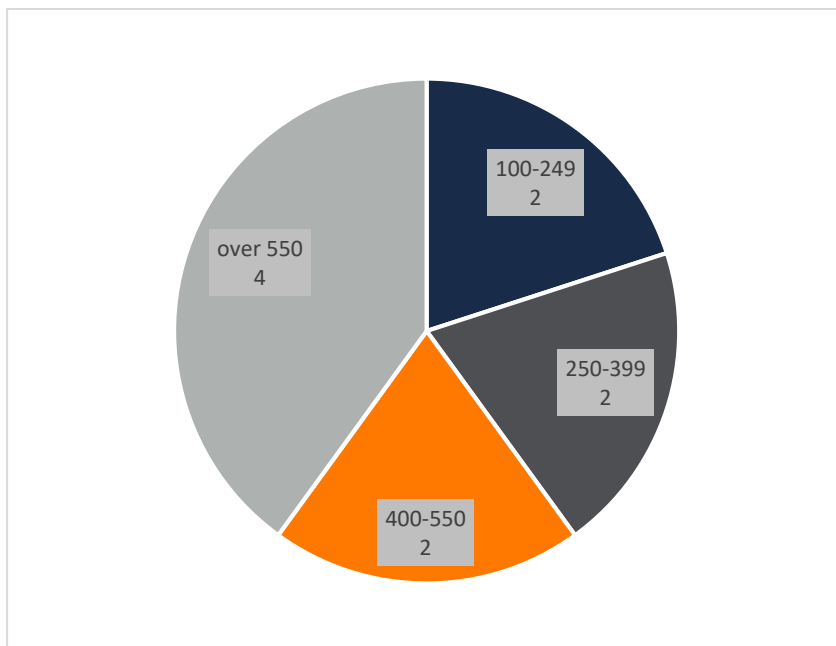
### 1. How many employees do you currently employ in your enterprise?



	Percent	No of responses
Fewer than 20 employees	72.0%	90
Between 20 and 49 employees	14.4%	18
Between 50 and 99 employees	5.6%	7
100 or more employees	8.0%	10
<b>Total</b>		<b>125</b>

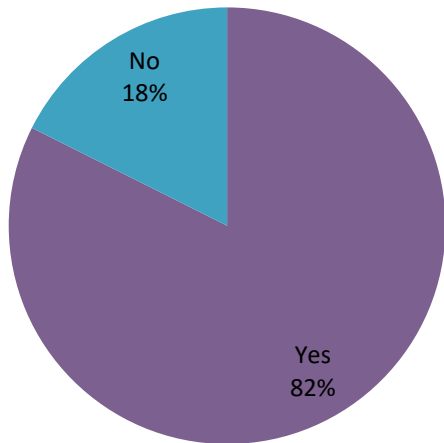
### 2. If you employ 100 or more employees in your enterprise, how many do you employ?

we could reflect that this most likely covers lunch or othe breaks for supervisors.



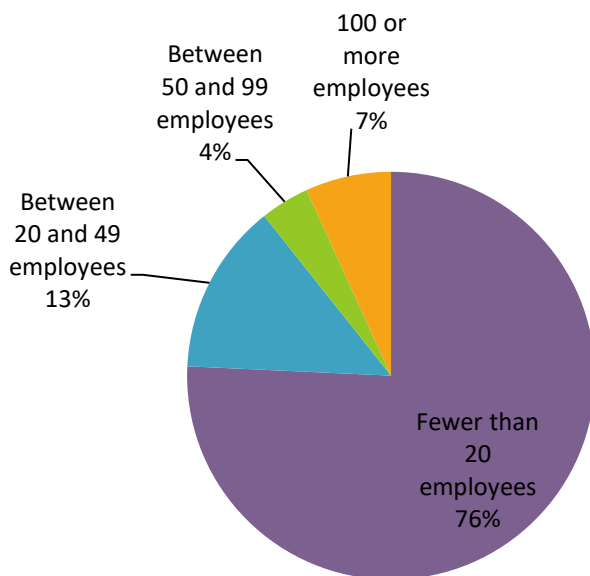
No of employees in enterprises with 100 or more employees
130
149
275
300
422
450
750
1000
4000
8100

**3. Does your enterprise have employees that are covered by the Retail Award (excluding any employees covered by an enterprise agreement)?**



	Percent	No of responses
Yes	82.4%	103
No	17.6%	22
Total		125

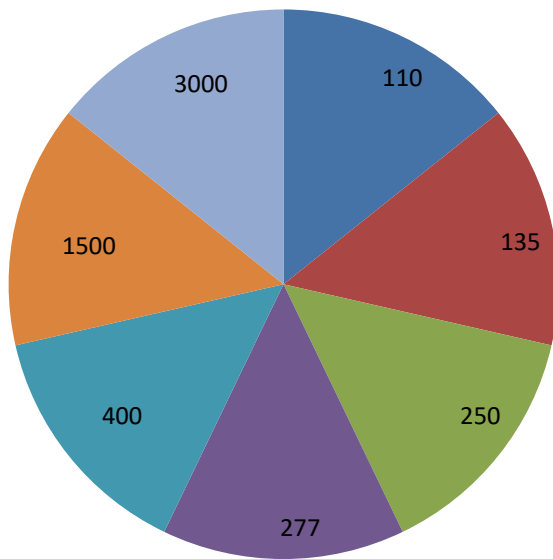
**4. How many employees does your enterprise currently employ that are covered by the Retail Award (excluding any employees covered by an enterprise agreement)?**



	Percent	No of responses
Fewer than 20 employees	75.7%	78
Between 20 and 49 employees	13.6%	14
Between 50 and 99 employees	3.9%	4
100 or more employees	6.8%	7
Total		103

**5. If you employ 100 or more employees in your enterprise who are covered by the Retail Award (excluding any employees covered by an enterprise agreement), how many do you employ?**

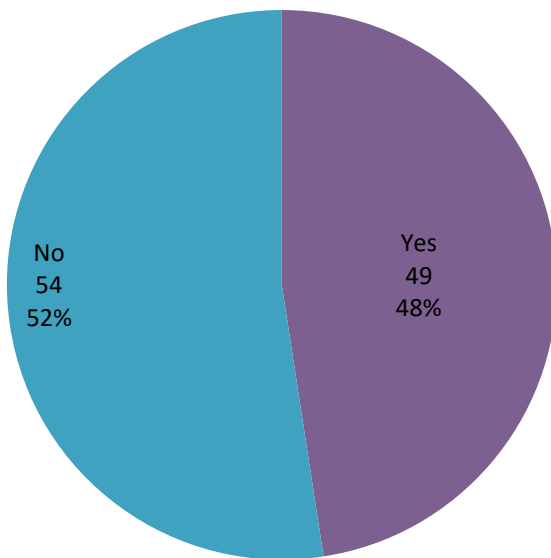
No of employees in



enterprises with  
100 or more  
employees

110  
135  
250  
277  
400  
1500  
3000

**6. Of those employees in your enterprise who are covered by the Retail Award, are any currently employed as junior employees (excluding any junior employees covered by an enterprise agreement)?**



	Percent	No of responses
Yes	47.6%	49
No	52.4%	54
Total	100%	103

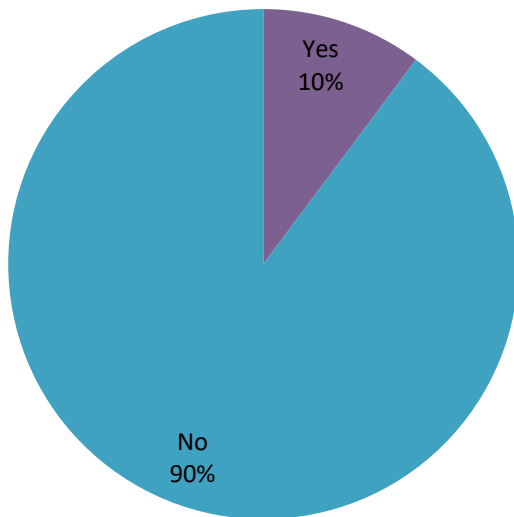


Survey analysis of the *General Retail Industry Award 2010 - juniors*

	No. of junior employees employed at Level 1	No. of junior employees employed at Level 2	No. of junior employees employed at Level 3	No. of junior employees employed at Level 4	No. of junior employees employed at Level 5	No. of junior employees employed at Level 6	No. of junior employees employed at Level 7	No. of junior employees employed at Level 8	Response totals
Employees 20 years of age, employed by the employer for less than 6 months	12	0	0	0	0	0	0	0	12
Employees 20 years of age, employed by the employer for more than 6 months	14	2	2	0	0	0	0	0	17
Total numbers of juniors (146)	129	14	3	0	0	0	0	0	

**8.** Clause 20.12 of the Retail Award provides that employees engaged for more than two hours for one day or shift, on duties carrying a higher rate than their ordinary classification rate, are to be paid the higher rate for such day or shift. Employees engaged for 2 hours or less on duties carrying a higher rate than their ordinary classification rate are to be paid for time worked.

**Of the junior employees your enterprise employs who are covered by the Retail Award (excluding any junior employees covered by an enterprise agreement), do any perform higher duties?**



	Percent	No of responses
Yes	10.2%	5
No	89.8%	44
Total		49



**9. Of the Level 1 junior employees your enterprise employs who perform higher duties for less than 2 hours, on how many occasions were Level 1 junior employees at the following levels paid higher duties in the past 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift.**

	Number of occasions level 1 juniors acted as level 3	Number of occasions level 1 juniors acted as level 4	Number of occasions level 1 juniors acted as level 5	Number of occasions level 1 juniors acted as level 6
Employees under 16 years of age	2	0	0	0

**10. Of the Level 3 junior employees your enterprise employs who perform higher duties for less than 2 hours, on how many occasions were Level 3 junior employees at the following levels paid higher duties in the last 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift.**

	Number of occasions level 3 juniors acted as level 4	Number of occasions level 3 juniors acted as level 5	Number of occasions level 3 juniors acted as level 6
Employees under 16 years of age	2	0	0

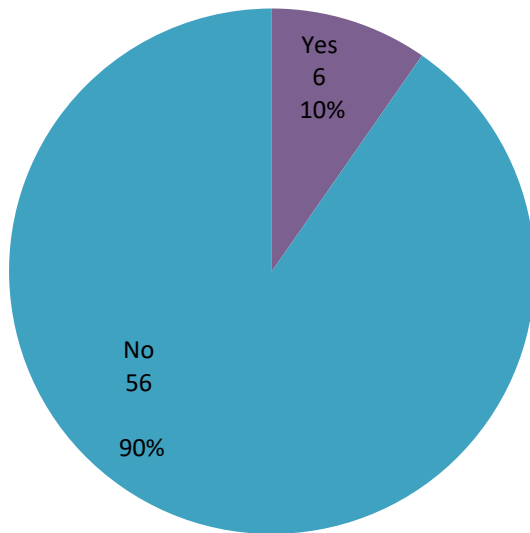
**11. Of the Level 1 junior employees your enterprise employs who perform higher duties for a whole day or shift, on how many occasions were Level 1 junior employees at the following levels paid higher duties in the past 14 days?**

	Number of occasions level 1 juniors acted as level 3	Number of occasions level 1 juniors acted as level 4	Number of occasions level 1 juniors acted as level 5	Number of occasions level 1 juniors acted as level 6
Employees under 16 years of age	2	0	0	0
Employees 18 years of age	1	0	0	0
Total	3			

**12. Of the Level 3 junior employees your enterprise employs who perform higher duties for a whole day or shift, on how many occasions were Level 3 junior employees at the following levels paid higher duties in the past 14 days?**

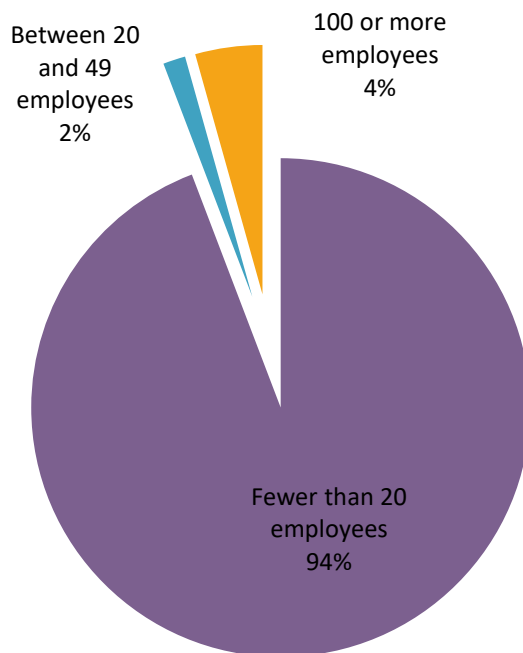
	Number of occasions level 3 juniors acted as level 4	Number of occasions level 3 juniors acted as level 5	Number of occasions level 3 juniors acted as level 6
Employees under 16 years of age	2	0	0

**13. Does an enterprise agreement apply to employees at your enterprise who would otherwise be covered by the Retail Award?**



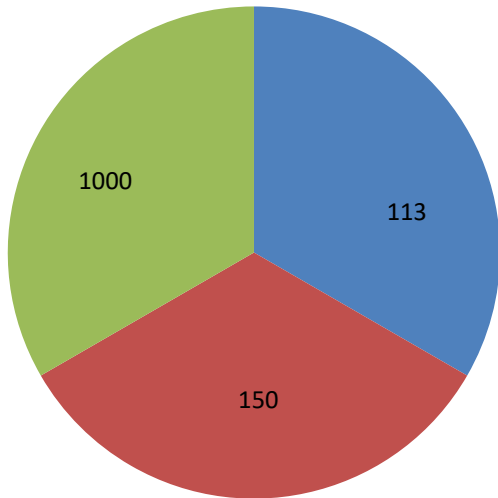
Value	Percent	Count
Yes	9.7%	6
No	90.3%	56
Totals		62

**14. How many employees does your enterprise currently employ who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award)?**



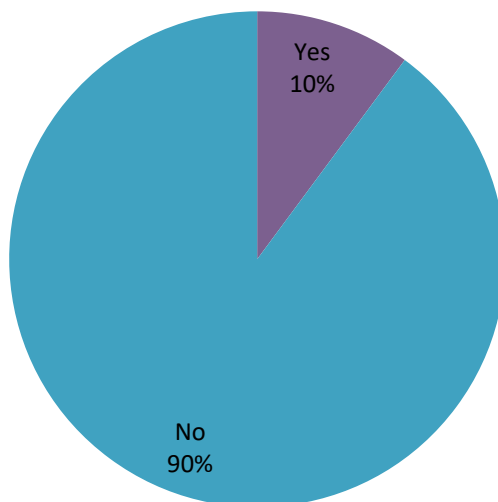
Value	Percent	No of responses
Fewer than 20 employees	94.2%	65
Between 20 and 49 employees	1.4%	1
100 or more employees	4.3%	3
Total		69

**15. If you employ 100 or more employees in your enterprise who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) how many do you employ?**



No of employees in enterprises with 100 or more employees
113
150
1000

**16. Does your enterprise currently employ junior employees who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award)?**



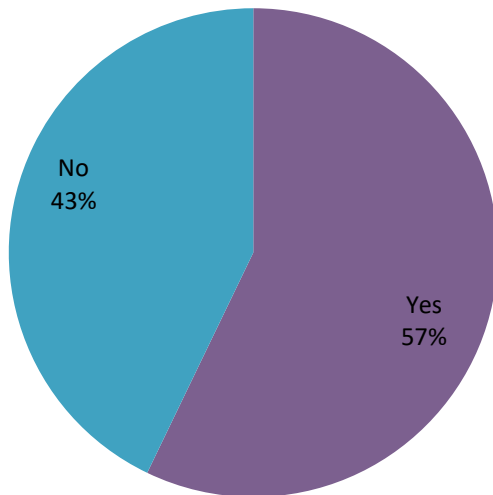
	Percent	No of responses
Yes	10.1%	7
No	89.9%	62
Total		69

**17. Of the junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award), how many are employed at the classification levels set out below? The classification levels contained in your enterprise agreement may not precisely reflect the classifications in the Retail Award. Please insert the number of junior employees at the level that corresponds most closely to the equivalent Retail Award classification in the table.**

	No. of junior employees at Level 1	No. of junior employees at Level 2	No. of junior employees at Level 3	No. of junior employees at Level 4	No. of junior employees at Level 5	No. of junior employees at Level 6	No. of junior employees at Level 7	No. of junior employees at Level 8	Responses
Employees under 16 years of age	5	0	0	0	0	0	0	0	5
Employees 16 years of age	2	0	1	0	0	0	0	0	3
Employees 17 years of age	1	0	1	0	0	0	0	0	2
Employees 18 years of age	1	0	0	0	1	0	0	0	2
Employees 19 years of age	1	0	0	0	0	1	0	0	2
Employees 20 years of age, employed by the employer for less than 6 months	0	0	0	0	0	0	1	0	1
Employees 20 years of age, employed by the employer for more than 6 months	0	0	1	0	0	0	0	0	1
Total numbers of juniors (16)	10	0	3	0	1	1	1	0	

**18.** Clause 20.12 of the Retail Award provides that employees engaged for more than two hours for one day or shift, on duties carrying a higher rate than their ordinary classification rate, are to be paid the higher rate for such day or shift. Employees engaged for 2 hours or less on duties carrying a higher rate than their ordinary classification rate, are to be paid for time worked.

**Of the junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award), do any perform higher duties?**



	Percent	No of responses
Yes	57.1%	4
No	42.9%	3
Total		7



**19. Of the Level 1 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and who perform higher duties for less than 2 hours, on how many occasions were Level 1 junior employees at the following levels paid higher duties in the past 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift.**

	Number of occasions level 1 juniors acted as level 3	Number of occasions level 1 juniors acted as level 4	Number of occasions level 1 juniors acted as level 5	Number of occasions level 1 juniors acted as level 6
Employees under 16 years of age	3	1	1	1
Employees 16 years of age	1	1	1	1
Employees 17 years of age	0	1	0	0
Employees 18 years of age	1	1	1	1
Employees 19 years of age	1	1	1	1
Employees 20 years of age, employed by the employer for less than 6 months	1	1	1	1
Employees 20 years of age, employed by the employer for more than 6 months	1	1	1	1
Total numbers of occasions (27)	8	7	6	6



**20. Of the Level 3 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and who perform higher duties for less than 2 hours, on how many occasions were Level 3 junior employees at the following levels paid higher duties in the past 14 days? Do not include any junior employees who were paid higher duties for the whole day or shift.**

	Number of occasions level 3 juniors acted as level 4	Number of occasions level 3 juniors acted as level 5	Number of occasions level 3 juniors acted as level 6
Employees under 16 years of age	2	0	0

**21. Of the Level 1 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and perform higher duties for a whole day or shift, on how many occasions were Level 1 junior employees at the following levels paid higher duties for a whole day or shift in the past 14 days?**

	Number of occasions level 1 juniors acted as level 3	Number of occasions level 1 juniors acted as level 4	Number of occasions level 1 juniors acted as level 5	Number of occasions level 1 juniors acted as level 6
Employees under 16 years of age	3	0	0	0
Employees 16 years of age	0	1	0	0
Employees 17 years of age	0	0	1	0
Employees 20 years of age, employed by the employer for less than 6 months	0	0	1	0

Employees 20 years of age, employed by the employer for more than 6 months	0	1	0	0
Total numbers of occasions (7)	3	2	2	0

**22. Of the Level 3 junior employees your enterprise employs who are covered by an enterprise agreement (where those employees would otherwise be covered by the Retail Award) and perform higher duties for a whole day or shift, on how many occasions were Level 3 junior employees at the following levels paid higher duties for a whole day or shift in the past 14 days?**

	Number of occasions level 3 juniors acted as level 4	Number of occasions level 3 juniors acted as level 5	Number of occasions level 3 juniors acted as level 6
Employees under 16 years of age	2	0	0
Employees 16 years of age	0	1	0
Employees 17 years of age	0	1	0
Employees 18 years of age	0	1	0
Total numbers of occasions (5)	2	3	0