



REPORT

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards

(AM2016/15, AM2014/270)

HOSPITALITY INDUSTRY (GENERAL) AWARD 2010

[MA000009]

Retail industry

JUSTICE ROSS, PRESIDENT

SYDNEY, 13 FEBRUARY 2018

4 yearly review of modern awards – plain language re-drafting – Hospitality Industry (General) Award 2010.

[1] A conference was held on 12 February 2018 to discuss the plain language re-drafting of the *Hospitality Industry (General) Award 2010*. The following parties were in attendance at the conference:

- Australian Business Industrial and the NSW Business Chamber (ABI);
- Australian Hotels Association, the Accommodation Association of Australia and the Motor Inn, Motel and Accommodation Association of Australia (AHA)
- Business SA; and
- United Voice (UV).

[2] A copy of the agenda for the conference is set out in Attachment A to the Statement issued on 22 January 2018.¹ This report sets out the outcome of the conference in respect of each of the agenda items. A transcript of the conference is available on the Commission website.

1. Apprentice wage rates (Items 39, 41 and 43)

Item 39: Resolved – an additional column (Column 4) will be included in Tables 7 and 8, setting out the relevant hourly rates for cooking and waiting apprentices. Further, clause 19.1 (a) will be varied to delete the current words and insert:

“An employer must pay an apprentice (other than an adult apprentice) in the cooking trade for their ordinary hours of work not less than the rate specified in Table 7 in accordance with the year of apprenticeship specified in Column 1, as follows:

- a) For a full time employee, the minimum weekly rate in column 3; or

b) For a part-time employee, the minimum hourly rate specified in column 4.”

A similar amendment will be made to clause 19.2.

Item 41: Resolved – delete the words ‘as a qualified tradesperson’ from clause 19.2 (b).

Item 43: Resolved – delete the words ‘has successfully completed their schooling for a year’ from clauses 19.3 (a), (b) and (c), and insert ‘has attained the standard of proficiency’, instead.

2. Payment of Wages (Item 46)

To be determined by the Plain Language Full Bench on the bases of the submission.

3. Allowances (Items 56, 59 and 60)

Item 56: Referred to the substantive issues Full Bench.

Item 59 and 60: Resolved – insert the words ‘all purpose’ between ‘an’ and ‘allowance’ in clause 26.13 (a) and delete clause 26.13 (c). Also, amend clause 26.2 (b) to include a reference to the airport catering supervisory allowance, as follows:

“(b) The fork lift allowance in clause 26.3 and the airport supervisory allowance in clause 26.13 are paid for all purposes under this award”

Item 60A: The AHA is to confirm whether it will press this item, by 4pm Monday 19 February 2018.

4. Annual Leave

Item 67A: Resolved – amend clause 30.2 (a) to add the words ‘seven day’ before the word ‘shift worker’.

Item 68: Resolved – amend clause 30.5 (a) to add the words ‘at or’ before the words ‘in connection’.

Item 69: To be determined by the Plain Language Full Bench on the basis of submissions.

5. Deductions (Item 71)

Referred to the substantive issues Full Bench.

6. Classification Structure (Items 73 and 77)

Item 73: Resolved – amend schedule A to put the applicable wage level in brackets after each classification level.

Item 77: Resolved – remove the words ‘or who has the appropriate level of training’ from clauses A.2.2 (f), (g) and (h).

7. Summary of Hourly Rates of Pay (Items 84, 85 and 86)

Items 84 and 85: Resolved – withdrawn.

Item 86: Resolved – delete ‘general’ throughout and insert note to Schedule B.2:

‘Schedule B.2 does not apply to Managerial staff (Hotels) employees or casino gaming employees’.

8. Summary of monetary allowances (Item 90)

Item 90: Resolved – withdrawn.

9. School – based apprentices (Item 93)

Item 93: Resolved – withdrawn.

10. Other matters: Amendments resulting from Part-time and Casual employment Full Bench determination.

Amendments to the plain language exposure draft have been made as a result of the Full Bench determination and a revised exposure draft was published with the Statement issued on 22 January 2018. Parties were invited to file submission on the proposed changes. Submissions were filed by United Voice, ABI, the AHA and Business SA. Reply submissions are to be filed by **4.00 pm Monday 19 February 2018**. A summary of submissions will be published after the reply submissions have been filed. This issue will be added to the agenda for discussion at conference on **Friday 23 February 2018**.

[3] All submissions are to be sent to amod@fwc.gov.au.

PRESIDENT

¹ [2018] FWCFB 449