



AUSTRALIAN HOTELS ASSOCIATION

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2 March 2015

The Honourable Justice Ross AO
President
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

By email: amod@fwc.gov.au

Dear Justice Ross

**AM2014/217 and others
Group 3 and Group 4 Awards
Outline of Proposed Changes to the *Hospitality Industry (General) Award 2010***

We refer to the Statement issued on 23 January 2015 ([2015] FWC 618) in relation to the four yearly review of modern awards for Group 3 and 4 awards.

The Australia Hotels Association (“AHA”) outlines the nature of its proposed changes to the *Hospitality Industry (General) Award 2010* below. The AHA also acts on behalf of the Accommodation Association of Australia and the Motor Inn, Motel and Accommodation Association.

The AHA will pursue variations to the *Hospitality Industry (General) Award 2010* (MA000009) as set out in the attached table.

Annual Leave Common Issue

The AHA notes a decision on the Annual Leave Common Issue (AM2014/47) is reserved. The AHA’s participation in this proceeding has been with respect to inserting a clause into the *Hospitality Industry (General) Award 2010* to allow award covered employees the ability to request to cash out accrued annual leave (subject to the same requirements stated in the National Employment Standards for award/agreement free employees).

Subject to the Annual Leave Common Issue decision, the AHA reserves the right to add the insertion of a cashing out of annual leave provision at clause 34 of the award as an additional proposed variation.

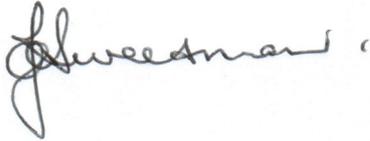
Part Time Employment Common Issue

The AHA has indicated its intention to participate in the Part Time Employment Common Issue (AM2014/196). Subject to the scheduling of these proceedings, the AHA expresses its interest in pursuing more flexible part time arrangements that are specific to the nature of the hospitality industry. This may result in this matter being dealt with as an award specific matter and not as a common issue.

Union Consultation

The AHA intends to meet with representatives of United Voice in coming weeks to discuss in detail the changes sought to the *Hospitality Industry (General) Award 2010* to ascertain whether a consent position can be reached on any of the proposed variations.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Sweetman', with a small flourish at the end.

John Sweetman AM
National Director, Workplace Relations
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ATTACHMENT

AHA sought variations to the *Hospitality Industry (General) Award 2010*

| Clause | Title | Summary |
|-------------------|---|---|
| 3 | Definitions | Insertion of new/amended definitions for a 'catering employee'; a 'motel employee'; an 'accrued rostered day off'; and a 'liquor service employee'. |
| 13.3 | Payment for casual employees | Amendment to clause 13.3 to provide consistency with clause 26 – payment of wages. |
| 14 | Apprentices | Introduction of a competency based pay scale for apprentices. |
| 14 and Schedule F | Apprentices and Trainees | The introduction of an exclusion to an apprentice or trainee undertaking nationally recognised training being subject to the liquor service employee definition |
| 15 | Juniors | Amendment to the junior rates structures to reflect a single junior rates structure. |
| 20.2 | Minimum wages | Introduction of base rates of pay for part time and casual employees within the Managerial staff (Hotels) classification. |
| 21.1(b) | Clothing, equipment and tools allowance | Provision for a security bond for the cost of identified employer property provided to the employee as part of their employment. The amended clause will provide detail on the resulting administrative arrangements including refunds. |
| 21.3 | Allowances | Amendment clarifying the compensation and duration of work. |
| 29.1 | Full-time employees | Amendment of the averaging arrangements to take into account industry and work environment/location specific needs. |
| 31 | Breaks | An amendment to clarify the concept of shift length versus work performed for the purposes of attracting additional paid breaks. |
| 32.3 | Other penalties | An amendment to clarify the way in which the penalty is paid for a part hour worked (as based on Fair Work Ombudsman advice). |
| 33 | Overtime | The introduction of time of in lieu arrangements where overtime is performed. |
| 33.3 | Overtime rates | An amendment to reflect the term 'ordinary rate of pay' which is defined at clause 3. |
| 38 | Deductions | Provision to make deductions in circumstances of employee negligence. |
| 39.2 | Deduction for accommodation and meals for adult employees | A restructure of the employer provided accommodation and meals deduction table to accurately reflect the types of accommodation provided and appropriate deduction amounts. |
| Schedule D | Classifications | An amendment to insert the relevant wage level in brackets after each classification listed to remove ambiguity. |
| Schedule D | Classifications | Clarification of the duties a Front Office Grade 1 employee, and a Clerical Grade 3 employee, can undertake. |
| X.X | Multi-hire arrangements | The introduction of a clause allowing permanent employees to work casual shifts via a multi-hire arrangement. |