



FACT SHEET

Classifications under the HIGA

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Employees who are employed in accordance with the *Hospitality Industry (General) Award 2010* (the 'HIGA') must be paid at the wage level which corresponds to the classification for the role they are performing.

It is important to ensure employees are correctly classified to ensure that they are paid correctly.

This Fact Sheet will aid employers in determining what classification applies to employees. It contains the descriptors of the tasks and duties associated with each classification, information on when training and qualifications are required, when an employee is to be classified as Managerial Staff (Hotels), and situations where an employee may be required to work across different streams or in higher duties.

The HIGA has a broad range of classification streams. The streams are:

Food and Beverage	Kitchen	Guest Services
Administration	Security	Leisure Activities
Stores	Maintenance and Trades	Casino Gaming*

And the Managerial Staff (Hotels) classification.

**Please note, information specific to the Casino Gaming stream is not included in this Fact Sheet.*

The various streams contain 'grades' within them. The grades are distinguished by the differing skills, responsibilities and qualifications of the grade – as stated.

The grades correspond to a wage level as detailed in clause 20 of the HIGA. It is important to note that grades do not necessarily correspond to wage levels in all circumstances. For example, a Cook grade 1 is paid at wage level 2.

The below table outlines the applicable classification for each wage level. For the specific rates of pay associated with each level, please see the QHA produced *Hospitality Industry (General) Award 2010 - 2015 Wage Rates & Classifications Guide*.

TABLE: GRADE CLASSIFICATION TO WAGE LEVEL

Wage Level (Clause 20.1)	Stream Grade Classification (Schedule D)
Level 1	Food and beverage attendant grade 1
	Guest service grade 1
	Kitchen attendant grade 1
Level 2	Clerical grade 1
	Cook grade 1
	Door person/security officer grade 1
	Food and beverage attendant grade 2
	Front office grade 1
	Guest service grade 2

	Kitchen attendant grade 2
	Leisure attendant grade 1
	Gardener grade 1
	Storeperson grade 1
Level 3	Clerical grade 2
	Cook grade 2
	Food and beverage attendant grade 3
	Fork-lift driver
	Front office grade 2
	Guest service grade 3
	Handyperson
	Kitchen attendant grade 3
	Leisure attendant grade 2
	Gardener grade 2
	Storeperson grade 2
	Timekeeper/security officer grade 2
Level 4	Clerical grade 3
	Cook (tradesperson) grade 3
	Food and beverage attendant (tradesperson) grade 4
	Front office grade 3
	Guest service grade 4
	Leisure attendant grade 3
	Gardener grade 3 (tradesperson)
	Storeperson grade 3
Level 5	Clerical supervisor
	Cook (tradesperson) grade 4
	Food and beverage supervisor
	Front office supervisor
	Guest service supervisor
	Gardener grade 4 (tradesperson)
Level 6	Cook (tradesperson) grade 5

Please refer to page 10 of this Fact Sheet for details on the Managerial Staff (Hotels) classification.

CLASSIFICATIONS UNDER THE HIGA

INTRODUCTORY LEVEL

The HIGA contains a general Introductory Level at D.1 of Schedule D. The Introductory Level description is reproduced from the HIGA below.

“In respect of all classification streams, introductory level means the level of an employee who enters the industry and who has not demonstrated the competency requirements of level 1. Such an employee will remain at this level for up to three months while the appropriate training for level 1 is undertaken and assessment made to move from the introductory level to level 1. At the end of three months from entry, an employee will move to level 1 other than where agreement has been reached and recorded between the employee and the employer that further training of up to three months is required for the employee to achieve competence for movement to level 1”.

In summary, the Introductory Level is a “training” level for employees who have not yet demonstrated the competency requirements of a grade 1 classification. With regard to competency, there is no set definition of competency given the tasks and duties with a grade 1 classification differ across the Streams. It is therefore an assessment the employer should make having regard to the specifics of the appropriate Stream grade 1 classification, and whether the employee can undertake those duties to the required standard without close supervision.

By way of an example, the Food and Beverage attendant grade 1 classification includes a duty of removing food plates (from tables). Where a particular method for removing the plates is required so that the plates do not over-balance, and a minimum of a certain number of plates can be taken at the one time, the employee will not reach competency until they can perform this task without assistance.

FOOD AND BEVERAGE STREAM

Below is a reproduction from Schedule D of the HIGA in relation to the Food and Beverage Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Food and beverage attendant Grade 1	An employee engaged in any of the following: <ul style="list-style-type: none"> • picking up glasses; • emptying ashtrays; • general assistance to food and beverage attendants of a higher grade not including service to customers; • removing food plates; • setting and/or wiping down tables; and • cleaning and tidying of associated areas.
Food and beverage attendant Grade 2	An employee who has not achieved the <i>appropriate level of training*</i> and who is engaged in any of the following: <ul style="list-style-type: none"> • supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department; • assisting in the cellar or bottle department; • undertaking general waiting duties of both food and/or beverage including cleaning of tables; • receipt of monies; • attending a snack bar; and • engaged on delivery duties.
Food and beverage attendant Grade 3	An employee engaged in any of the following: <ul style="list-style-type: none"> • Any tasks performed by a Food and Beverage attendant grade 2, <u>and</u>; • the operation of a mechanical lifting device; • attending a wagering (e.g. TAB) terminal, electronic gaming terminal or similar terminal; • full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area); • mixing a range of sophisticated drinks; • supervising food and beverage attendants of a lower grade; • taking reservations, greeting and seating guests; and • training food and beverage attendants of a lower grade.
Food and beverage attendant Grade 4 (tradesperson)	An employee who has completed an <i>apprenticeship in waiting**</i> or who has passed the appropriate trade test and as such carries out specialised skilled duties in a fine dining room or restaurant.
Food and beverage Supervisor (Grade 5)	An employee who has the <i>appropriate level of training*</i> including a supervisory course and who has the responsibility for supervision, training and co-ordination of food and beverage staff, or stock control for a bar or series of bars.

*see discussion below as to appropriate level of training, trade test and apprenticeships

** Please note that apprenticeships in waiting are no longer offered by registered training organisations in Queensland.

KITCHEN STREAM

Below is a reproduction from Schedule D of the HIGA in relation to the Kitchen Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Kitchen attendant Grade 1	An employee engaged in any of the following: <ul style="list-style-type: none"> • general cleaning duties within a kitchen or food preparation area and scullery, including the cleaning of cooking and general utensils used in a kitchen and restaurant; • assisting employees who are cooking; • assembling and preparing ingredients for cooking; and • general pantry duties.
Kitchen attendant Grade 2	An employee who has the <i>appropriate level of training*</i> and who is engaged in specialised non-cooking duties in a kitchen or food preparation area, or supervision of kitchen attendants.
Kitchen attendant Grade 3	An employee who has the <i>appropriate level of training*</i> including a supervisory course and has the responsibility for the supervision, training and co-ordination of kitchen attendants of a lower grade.
Cook Grade 1	An employee who carries out cooking of breakfasts and snacks, baking, pastry cooking or butchering.
Cook Grade 2	An employee who has the appropriate level of training and who performs cooking duties including baking, pastry cooking or butchering.
Cook (tradesperson) Grade 3	A commi chef or equivalent who has completed an <i>apprenticeship*</i> or who has passed the <i>appropriate trade test*</i> , and who is engaged in cooking, baking, pastry cooking or butchering duties.
Cook (tradesperson) Grade 4	A demi chef or equivalent who has completed an <i>apprenticeship*</i> or has passed the <i>appropriate trade test*</i> and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and trains other cooks and kitchen employees.
Cook (tradesperson) Grade 5	A chef de partie or equivalent who has completed an <i>apprenticeship*</i> or has passed the <i>appropriate trade test*</i> in cooking, butchering, baking or pastry cooking and has completed additional appropriate training and who performs any of the following: <ul style="list-style-type: none"> • general and specialised duties including supervision or training of other kitchen staff; • ordering and stock control; and • supervising other cooks and other kitchen employees in a single kitchen establishment.

**see discussion below as to appropriate level of training, trade test and apprenticeships*

GUEST SERVICES STREAM

Below is a reproduction from Schedule D of the HIGA in relation to the Guest Services Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Guest service Grade 1	An employee who performs any of the following: <ul style="list-style-type: none"> • laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams and working with flat materials;

	<ul style="list-style-type: none"> the collection and delivery of guests' personal dry cleaning and laundry, linen and associated materials to and from accommodation areas; performs general cleaning duties; and parking guests' cars.
Guest service Grade 2	An employee who has not achieved the <i>appropriate level of training*</i> and who is engaged in any of the following: <ul style="list-style-type: none"> servicing accommodation areas and cleaning thereof; receiving and assisting guests at the entrance to the establishment; driving a passenger vehicle or courtesy bus; transferring guests' baggage to and from rooms; assisting in the dry cleaning process; cleaning duties using specialised equipment and chemicals; and providing butler services such as food, beverage and personalised guest service.
Guest service Grade 3	An employee who has the <i>appropriate level of training*</i> and who is engaged in any of the following: <ul style="list-style-type: none"> supervising guest service employees of a lower grade; providing butler services such as food, beverage and personalised guest service; major repair of linen and/or clothing including basic tailoring and major alterations and refitting; and dry cleaning.
Guest service Grade 4	An employee who has completed an <i>apprenticeship*</i> or who has passed the appropriate trade test or otherwise has the <i>appropriate level of training*</i> to perform the work of a tradesperson in dry cleaning, tailoring or as a butler.
Guest service supervisor	An employee with the <i>appropriate level of training*</i> including a supervisory course who supervises, trains and co-ordinates the work of employees engaged in a housekeeping department.
Front office Grade 1	An employee who is engaged as an assistant in front office duties including night auditing, telephonist, receptionist, cashier, information services or reservations.
Front office Grade 2	An employee who has the <i>appropriate level of training*</i> and is in the front office engaged in duties including telephonist, receptionist, cashier, information services or reservations.
Front office Grade 3	An employee who has the <i>appropriate level of training*</i> and is in the front office engaged in duties including assisting in training and supervision of front office employees of a lower grade.
Front office supervisor	An employee who has the <i>appropriate level of training*</i> including a supervisory course and who supervises, trains and co-ordinates the work of front office employees.

**see discussion below as to appropriate level of training, trade tests and apprenticeships*

ADMINISTRATIVE STREAM

Below is a reproduction from Schedule D of the HIGA in relation to the Administrative Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Clerical Grade 1	An employee who is required to perform basic clerical and routine office duties such as collating, filing, photocopying and delivering messages.
Clerical Grade 2	An employee who is engaged in general clerical or office duties, such as typing, filing, basic data entry and calculating functions.
Clerical Grade 3	An employee who has the <i>appropriate level of training*</i> and who performs any of the following: <ul style="list-style-type: none"> operates adding machines, switchboard, paging system, telex machine, typewriter or calculator;

	<ul style="list-style-type: none"> • uses knowledge of keyboard and function keys to enter and retrieve data through computer terminal; • copy types at 25 words per minute with 98% accuracy; • maintains mail register and records; • maintains established paper-based filing/records systems in accordance with set procedures including creating and indexing new files, distributing files within the organisation as requested, monitoring file locations; • transcribes information into records, completes forms, takes telephone messages; • acquires and applies a working knowledge of office or sectional operating procedures and requirements; • acquires and applies a working knowledge of the organisation's structure and personnel in order to deal with inquiries at first instance, locates appropriate staff in different sections, relays internal information, responds to or redirects inquiries, greets visitors; • keeps appropriate records; and • sorts, processes and records original source financial documents (e.g. invoices, cheques, correspondence) on a daily basis; maintains and records petty cash; prepares bank deposits and withdrawals and does banking. <p>And who has the <i>appropriate level of training*</i> <u>and</u> also performs any of the following:</p> <ul style="list-style-type: none"> • operates computerised radio telephone equipment, micro/personal computer, printing devices attached to personal computer, dictaphone equipment, typewriters; • produces documents and correspondence using knowledge of standard formats, touch types at 40 words per minute with 98% accuracy, audio types; • uses one or more software application package(s) developed for a micro/personal computer to operate and populate a database, spreadsheet/worksheet to achieve a desired result; graph previously prepared spreadsheet; use simple menu utilities of personal computer; • follows standard procedures or template for the preceding functions using existing models/fields of information; • creates, maintains and generates simple reports; • uses a central computer resource to an equivalent standard; • uses one or more software packages to create, format, edit, proof read, spell check, correct, print and save text documents, e.g. standard correspondence and business documents; • takes shorthand notes at 70 wpm and transcribes with 95% accuracy; • arranges travel bookings and itineraries, makes appointments, screens telephone calls, follows visitor protocol procedures, establishes telephone contact on behalf of executive; • applies a working knowledge of the organisation's products/services, functions, locations and clients; • responds to and acts upon most internal/external inquiries in own function area; • uses and maintains a computer-based record management system to identify, access and extract information from internal sources; maintains circulation, indexing and filing systems for publications, reviews files, closes files, archives files; and • maintains financial records and journals, collects and prepares time and wage records; prepares accounts queries from debtors; posts transactions to ledger.
Clerical supervisor	An employee who has the <i>appropriate level of training*</i> including a supervisory course and who co-ordinates other clerical staff.

**see discussion below as to appropriate level of training, trade test and apprenticeships*

SECURITY STREAM

Below is a reproduction from Schedule D of the HIGA in relation to the Security Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Doorperson/security officer Grade 1	A person who assists in maintenance of dress standards and good order at an establishment.
Timekeeper/security officer Grade 2	A person who is responsible for timekeeping of staff, for the security of keys, for the checking in and out of delivery vehicles and/or for the supervision of doorperson/security officer grade 1 personnel.

LEISURE ACTIVITIES

Below is a reproduction from Schedule D of the HIGA in relation to the Leisure Activities Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Leisure attendant Grade 1	A person who acts as an assistant instructor, pool attendant and/or can be responsible for the setting up, distribution and care of equipment and the taking of bookings.
Leisure attendant Grade 2	A person who has the <i>appropriate level of training*</i> and takes classes and/or directs leisure activities such as sporting areas, health clubs and swimming pools.
Leisure attendant Grade 3	A person who has the <i>appropriate level of training*</i> and who plans and co-ordinates leisure activities for guests and may supervise other leisure attendants.

**see discussion below as to appropriate level of training, trade test and apprenticeships*

STORES STREAM

Below is a reproduction from Schedule D of the HIGA in relation to the Stores Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Storeperson Grade 1	An employee who receives and stores general and perishable goods and cleans the store area.
Storeperson Grade 2	An employee who, in addition to the duties for a storeperson grade 1, may also operate mechanical lifting equipment such as a fork-lift and/or who may perform duties of a more complex nature
Storeperson Grade 3	An employee who has the <i>appropriate level of training*</i> and who: <ul style="list-style-type: none">• implements quality control techniques and procedures;• understands and is responsible for a stores/warehouse area or a large section of such an area;• has a highly developed level of interpersonal and communications skills;• is able to supervise and provide direction and guidance to other employees including the ability to assist in the provision of on-the-job training and induction;• exercises discretion within the scope of this grade; and who may exercise skills attained through the successful completion of an appropriate warehousing certificate; and may perform indicative tasks at this level such as:• liaising with management, suppliers and customers with respect to stores operations; and

	<ul style="list-style-type: none"> • detailing and co-ordinating activities of other storepersons and acting in a leading hand capacity for in excess of 10 storepersons; • maintains control registers including inventory control and being responsible for preparation and reconciliation of regular reports or stock movements, dispatches, etc; and • supervises the receipt and delivery of goods, records, outgoing goods, responsible for the contents of a store.
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**see discussion below as to appropriate level of training, trade test and apprenticeships*

MAINTENANCE AND TRADES – OTHER THAN THE COOKING TRADE

Below is a reproduction from Schedule D of the HIGA in relation to the Maintenance and Trades Stream.

When classifying a position it is important to have regard to the tasks and duties associated with the position to ensure the correct grade is assigned to the position.

Classification	Indicative tasks and duties
Handyperson	A person who is not a tradesperson and whose duties include the performance of routine repair work and maintenance in and about the employer's premises.
Fork-lift driver	An employee who has a recognised fork-lift licence and who is engaged solely on the basis of driving a fork-lift vehicle. Those employees who operate a fork-lift as only part of their duties will be paid at the level 3 classification rate.
Gardener Grade 1	An employee primarily engaged in the following activities: <ul style="list-style-type: none"> • keeping areas clean and tidy; • weeding and watering; • trimming, mowing of surrounds, etc., with hand implements; • assistance in preparing areas for play; • assistance in course or green maintenance and construction; • operation of a limited range of vehicles, including motor vehicles; • performs non-trade tasks incidental to the employee's work.
Gardener Grade 2	An employee who is engaged in any of the following activities in addition to the work of grade 1: <ul style="list-style-type: none"> • operation and minor maintenance of motorised equipment under supervision, other than machinery or equipment requiring the holding of specialised licences; • assistance in the maintenance, renovation and reconstruction of greens and fairways ,and/or maintenance of playing surfaces, including mowing, rolling, top dressing, seeding, turfing and sprigging, fertilising under supervision, planting and maintenance of trees, pruning under supervision; • applying fertilisers, fungicides, herbicides and insecticides under general supervision; • gardening duties including the planting and trimming of trees, sowing, planting and cutting of grass, and the watering of plants, gardens, trees, lawns and displays; • routine maintenance of turf, synthetic, artificial and other play surfaces; • completion of basic records; • assistance in the construction and installation of facilities and systems; • performing tasks incidental to the employee's work; • handyperson duties; • supervising gardeners of a lower grade.
Gardener Grade 3 (tradesperson)	An employee who has <i>completed trade or equivalent qualifications*</i> and undertakes one or more of the following duties (including non-trade tasks incidental to the employee's work): <ul style="list-style-type: none"> • operate, maintain and adjust machinery as appropriate;

	<ul style="list-style-type: none"> • clean machinery and inspects machinery after each use, reporting any problems to a management employee; • applying fertilisers, fungicides, herbicides and insecticides as directed by a management employee; • preparing turf, synthetic, artificial and other surfaces for play; • maintenance and repair of vehicles and/or motor engines; • repair and minor renovation work; • formation and maintenance of all gardens, lawns and greens; • the planting, maintenance and care of trees; • training and supervision of employees of a lower grade, including apprentices.
Gardener Grade 4 (tradesperson)	<p>An employee who has satisfactorily attained the <i>appropriate level of training at trade*</i> or the equivalent level, together with the additional requirements in supervision or other appropriate specialist modules. In addition to the duties of levels 1 to 3, the employee is also engaged in the following activities:</p> <ul style="list-style-type: none"> • supervision and training of subordinate staff, including tradespersons; • presentation of written and or verbal reports including budgets, • general liaison with management; • activities requiring application of specialist skills.

**see discussion below as to appropriate level of training, trade test and apprenticeships*

JUNIOR CLASSIFICATIONS AND RATES

With regard to junior rates of pay, juniors are paid a percentage of the adult rate for the relevant Stream classification for the position they perform. It is therefore important to correctly classify the position a junior employee is to perform first, and then determine the appropriate percentage of the adult rate to apply (based on the junior employee's age).

Please note that a junior employee engaged as a Liquor Service Employee, as defined in the HIGA, is to receive the adult rate of pay for their position, regardless of their age.

Refer: QHA's Juniors and Alcohol Service Fact Sheet

APPROPRIATE LEVEL OF TRAINING, TRADES TESTS AND APPRENTICESHIPS

The HIGA contains a definition of Appropriate Level of Training at clause 3. The definition is:

appropriate level of training means that an employee:

- (a) has completed an appropriate training program that meets the training and assessment requirements of a qualification or one or more designated units of competency from a Training Package; and/or***
- (b) has been assessed by a qualified skills assessor to have skills at least equivalent to those attained in an appropriate training course; and/or***
- (c) as at 30 June 2010, has been doing the work of a particular classification for a period of at least three months.***

Several classifications include reference to 'appropriate level of training' therefore it is important to consider this definition when assessing the appropriate classification for a position.

The definition provides that where a classification level requires an employee have an appropriate level of training, they must have completed an appropriate training program, been assessed by a qualified skills assessor or have been doing the work of that classifications for a period of at least three months as at 30 June 2010. Please note that with regard to point (c), this was a transitional provision arising from the HIGA coming into operation at 1 January 2010.

The question of whether a training program is appropriate or not will depend on the stream and grade classification of the employee.

Where an employee has completed an Australian Qualifications Framework (AQF) Certificate III qualification which is relevant to the classification in which they are employed, and who is utilising the skills and knowledge derived from the Certificate III competencies in their role, then the employee must be classified and paid as at least a level 4 employee.

Where a classification requires an employee to have completed an apprenticeship, then unless they have completed an apprenticeship or passed an appropriate trades test (in that they have been assessed by a qualified skills assessor to have an equivalent level of skill), they will not qualify for that classification. It is important to note that apprenticeships and traineeships differ.

Apprentices are trained in a skilled trade and upon completion, an apprentice will become a qualified tradesperson. An example of this is an apprentice cook, who upon completion of the apprenticeship becomes a qualified chef, or Cook (tradesperson). Alternatively, trainees are trained in vocational areas and upon completion of their traineeship, receive a qualification in their chosen vocational area. An example of this is an individual undertaking a traineeship in hospitality who upon completion would receive a Certificate III in Hospitality Operations.

Where there is a reference to a trade or equivalent qualification this means the employee must have completed at least an AQF Certificate III in the relevant trade, this will usually be achieved through an apprenticeship. By way of example, the Cook (tradesperson) Grade 3 classification requires an apprenticeship or trades test. A Certificate III in Commercial Cookery is a trade qualification, completed via an apprenticeship, which would qualify an individual to work in this role.

Alternatively, a Certificate III in Hospitality Operations is not a trade certificate and while it may involve training in food preparation and the employee may be working in a kitchen environment, it would not qualify the employee to work as a Cook (tradesperson) Grade 3.

MANAGERIAL STAFF (HOTELS)

In addition to the various grades within the streams, the HIGA also defines an additional classification for Managerial Staff (Hotels).

This classification is subject to its own minimum salary at clause 20.2, and specific conditions, including Clause 27.2 – Salaries Absorption.

Refer: QHA's HIGA Annualised Salary Arrangements Fact Sheet

In order for a position to be classified in the Managerial Staff (Hotels) classification, the employee must be working for a hotel. Hotel is defined in Schedule D.2.9 as:

For the purpose of this additional classification, hotels means hotels, resorts, casinos, taverns, wine saloons, wine and spirit merchants retailing to the general public and other retail licensed establishments in or in connection with accommodation, with the selling of drinks, preparing and serving food and drinks, cleaning and attending to the premises and all other services associated therewith.

Please note the above definition differs to the definition of the 'hospitality industry' as per clause 4.2 of the HIGA – copied below:

4.2 *For the purpose of clause 4.1, **hospitality industry** includes hotels; motor inns and motels; boarding establishments; condominiums and establishments of a like nature; health or recreational farms; private hotels, guest houses, serviced apartments; caravan parks; ski lodges; holiday flats or*

units, ranches or farms; hostels, or any other type of residential or tourist accommodation; wine saloons, wine bars or taverns; liquor booths; resorts; caterers; restaurants operated in or in connection with premises owned or operated by employers otherwise covered by this award; casinos; and function areas and convention or like facilities operating in association with the aforementioned.

This definition is relevant to whether a business will be covered by the HIGA.

Refer: QHA's Award Application Fact Sheet

The practical effect of these two definitions is that it is possible for a business to fall within the coverage of the HIGA due to being a business within the hospitality industry, but be unable to classify an employee within the Managerial Staff (Hotels) classification, as they do not meet the definition of hotel in Schedule D.2.9.

An example of this occurred in the case of *Davies v Punthill Apartment Hotels Pty Ltd [2014] FCCA 1158* where the Court examined whether the venue was a hotel as defined in Schedule D.2.9. The venue was found not to fall within the hotel definition in Schedule D.2.9, and as such the employee in question could not be classified as Managerial Staff (Hotels).

In addition to a venue being a 'hotel' as defined, an employee deemed to be Managerial Staff (Hotels) is an employee who:

1. Under the direction of senior management is required to manage and co-ordinate the activities of a relevant area or areas of the hotel; and
2. Directs staff to ensure they carry out their duties in the relevant area or areas of the hotel; and
3. Implements policies, procedures and operating systems for the hotel.

An employee must satisfy all of these three criteria in order to fall within the Managerial Staff (Hotels) classification.

Further, such an employee must also have an appropriate level of training in business management or have relevant industry experience, including the supervision of staff in one or more areas of a hotel.

Appropriate level of training is as discussed within this Fact Sheet, however unlike other classifications within the HIGA, if the employee does not have an appropriate formal qualification, they may still fall into this classification provided they have relevant industry experience.

EXCLUSIONS TO THE MANAGERIAL STAFF (HOTELS) CLASSIFICATION

Employees who are employed to undertake duties of senior management, in that they are responsible for a significant area of the operations of one or more hotels, are excluded from the Managerial Staff (Hotels) classification and may be, depending on their specific role, be considered award free.

Other employees who this classification will not apply to include:

- Any hotel manager who is an employee of a proprietary or private company (within the meaning of the Corporations Law) where the Hotel Manager holds sufficient number of shares to entitle the Hotel Manager to voting control at general meetings of the company; or
- Any hotel manager who is the senior partner of a partnership or has at least 49% of that partnership; or
- A parent, spouse or de facto partner, son or daughter of a hotel manager excluded from the additional classification by this paragraph.

An employee will likely be award free if:

- They do not fall within any of the Schedule D classifications in the HIGA; and
- The position is not covered by any other modern award; and
- No pre modern award applied to the position (eg pre 1/1/10).

HIGH INCOME THRESHOLD

When an employee has accepted a written guarantee of annual earnings which is more than the high income threshold, currently \$142,000 (from 1 July 2017), any modern award conditions which would have otherwise covered them will not apply.

What is included in annual earnings is defined in section 332 of the *Fair Work Act 2009*, extracted below.

(1) An employee's **earnings** include:

- (a) the employee's wages; and
- (b) amounts applied or dealt with in any way on the employee's behalf or as the employee directs; and
- (c) the agreed money value of non-monetary benefits; and
- (d) amounts or benefits prescribed by the regulations

(2) However, an employee's **earnings** do not include the following:

- (a) payments the amount of which cannot be determined in advance;
- (b) reimbursements;
- (c) contributions to a superannuation fund to the extent that they are contributions to which subsection (4) applies;
- (d) amounts prescribed by the regulations.

Note: Some examples of payments covered by paragraph (a) are commissions, incentive-based payments and bonuses, and overtime (unless the overtime is guaranteed).

Please note that the issue of what is included in annual earnings has been the subject of extensive case law before the Fair Work Commission, therefore prior to determining that modern award conditions will not apply to an employee due to their earnings, a close examination of what is included in their earnings should be undertaken.

MIXED DUTIES AND HIGHER DUTIES

MIXED DUTIES

Clause 18 of the HIGA, copied below, provides that employees can be directed to perform work outside of their classification stream:

18. Work organisation

Employees must undertake duties as directed within the limits of their competence and may undertake duties across the different streams contained in the classification definitions in Schedule D—Classification Definitions.

The effect of this clause is that provided an employee is competent to do so, an employer may direct an employee to undertake duties which would not necessarily fall within their classification stream.

An example of this situation would be where a Kitchen attendant grade 2 is directed to briefly undertake general waiting duties in the bistro area during a busy period. General waiting duties is a task which falls within the Food and beverage stream classification, but provided the kitchen attendant is competent to engage in such a duty, they may be directed to do so.

The QHA recommends that all position descriptions include the words:

'Any other such duties as required by the employer'.

HIGHER DUTIES

Clause 25, copied below, provides for situations where an employee undertakes duties of a higher classification:

25. Higher duties

25.1 *Except for Food and beverage attendants grade 2 and 3 as defined in Schedule D—Classification Definitions an employee engaged for two or more hours of one day on duties carrying a higher rate than their ordinary classification must be paid the higher rate for such day. If for less than two hours the employee must be paid the higher rate for the time so worked.*

25.2 *A higher paid employee will, when necessary, temporarily relieve a lower paid employee without loss of pay.*

In the instance where the duties an employee is directed to undertake attract a higher rate of pay, for example, the duties fall within a grade 2 classification and the employee is engaged in the grade 1 classification, this clause will apply.

The exclusion to the time based payments rule of clause 25 applies where a Food and beverage grade 2 employee undertakes the duties of a Food and beverage grade 3 employee. In this instance, all time worked at the higher duties (grade 3) must be paid at the higher rate, and time worked undertaking their standard duties (grade 2) will be paid at their normal hourly rate.

Employees who are required to undertake duties which would otherwise attract a lower rate of pay must continue to be paid their normal rate of pay.

Further Assistance

Financial QHA members are encouraged to contact the QHA's Employment Relations Department (refer the contact details at the bottom of this page) for a confidential discussion about the information in this Fact Sheet, or to discuss any queries relating to specific workplace matters.

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