



FACT SHEET

Juniors and Alcohol Service

Updated: July 2016
Replaces: March 2010

Please note that the information contained in this Fact Sheet applies to employers with employees employed in accordance with the *Hospitality Industry (General) Award 2010* (the 'HIGA') only.

The following information provides a timeline of events with respect to a hospitality employer's ability to employ juniors to serve or dispense alcohol as well as information of how juniors are to be paid when they serve or dispense alcohol.

PRE-1 JANUARY 2010

The various awards and NAPSAs that applied prior to modern awards taking effect provided guidance on any age restrictions that applied, for example, the:

- *NAPSA: Hotels, Resorts and Certain Other Licensed Premises Award – State (Excluding South East Queensland) 2003* did not provide age restrictions;
- (federal) *Hospitality Industry – Accommodation, Hotels, Resorts and Gaming – Award 1998* restricted employers from employing persons under the age of 18 as liquor service employees.

1 JANUARY 2010 – 9 MARCH 2010

Despite no age restriction under the Queensland liquor licensing laws, the introduction of the HIGA on 1 January 2010 resulted in the extension of the age restriction that was in place under the above named federal award to all hospitality employers in Australia.

At that time, clause 15.1 of the HIGA provided that:

Junior employees will be paid in accordance with clause 20.5. Junior employees, on reaching the age of 18 years, may be employed in the bar or other places where liquor is sold. Junior employees working as liquor service employees must be paid at the adult rate of pay in clause 20.1 for the classification for the work being performed.

This clause had the following implications for the employment of juniors:

- Only employees aged 18 years or over could be employed in the bar, bottleshop, drive-through bottleshop or other places where liquor was sold.
- Those employees aged 18 years or over who were employed at the abovementioned places or other places where liquor was sold must receive the adult rate of pay.

ON AND FROM 10 MARCH 2010

In response to a number of members becoming subject to the age restriction of 18 years of age as contained in the HIGA, the QHA made representations to Fair Work Australia (now known as the Fair Work Commission) at an Award Variation Hearing on 8 March 2010. In its submissions, the QHA sought for the age restriction to be removed from the HIGA.

Senior Deputy President Richards accepted the QHA's arguments and issued an Order on 10 March 2010 providing that clause 15.1 in the HIGA be varied and from this date, and read:

15.1 Junior employees will be paid in accordance with clause 20.5. Where the law permits, junior employees may be employed as liquor service employees (being persons employed to sell or dispense liquor in bars and /or bottle departments or shops, as well as cellar employees or other places where liquor is sold) and must be paid at the adult rate of pay in clause 20.1 for the classification for the work being performed.

Inclusion of the words 'Where the law permits' was sought by QHA given liquor and child employment laws differ between States, and to clarify the interaction between these laws and the HIGA.

The new clause 15.1 took effect on 10 March 2010, and meant consistency with junior employment arrangements in the wider hospitality industry – including in registered clubs and restaurants.

INTERPRETATION

The HIGA defines a liquor service employee at clause 3, which states:

liquor service employee means a person employed to sell or dispense liquor in bars and/or bottle departments or shops and includes a cellar employee

The variation of 10 March 2010 means:

1. Junior employees of any age are able, subject to the relevant liquor licensing and child employment laws, to be employed in the service of liquor, which includes serving, supplying and dispensing liquor in the bar, bottleshop, drive-through bottleshop and other places where liquor is sold.
2. Where juniors are employed as liquor service employees, they must be paid the adult rate of pay.

A liquor service employee position falls within the HIGA Food and Beverage Attendant Grade 2 classification.

Advice from the Fair Work Ombudsman dated 15 April 2014 confirms the QHA's position that a junior employee who 'handles' liquor (i.e. restocks fridges with alcoholic beverages, restocks mini bars in accommodation properties) as part of their duties, but does not sell or dispense liquor, does not meet the definition of a liquor service employee.

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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