

QHA

QUEENSLAND HOTELS ASSOCIATION UPDATE NEWSLETTER

30 November 2018 Volume 26 Number 12 FURTHER CHANGES TO AWARDS // TAB REBRAND OF ALL UBET RETAIL ASSETS // CHRISTMAS AND NEW YEAR TRADING HOURS AND CONDITIONS GUIDE // QHA WALL PLANNERS // TRAINING CALENDAR



FURTHER CHANGES TO AWARDS

The Fair Work Commission ('FWC') has made further changes to modern awards as a result of the long running Four Yearly Modern Awards review. The changes to the *Hospitality Industry (General) Award 2010* ('HIGA') and most other modern awards took effect from the start of the first full pay period on or after 1 November 2018.

Redrafting of standard clauses in Plain Language

These changes relate to what have been referred to as standard clauses – ones which appear across all or most modern awards. The FWC has re-drafted these clauses using what they have referred to as plain language. It is intended that these clauses will be simpler to understand and interpret. The clauses that have been redrafted are as follows:

- clause 7 – Individual flexibility arrangements (clause 7 was formerly titled as award flexibility);
- clause 8 - Consultation about major workplace change, and clause 8A – consultation about changes to rosters or hours of work (this content has been split into clause 8 and a new clause 8A, whereas previously the content was just in one clause);
- clause 9 – Dispute resolution;
- clause 16 – Termination of employment.

The changes to Clause 7, 8, and 9 result in some renumbering and rearrangement of wording, however the intent and effect of those clauses remains the same.

Termination of Employment and Notice by an Employee

Clause 16 – Termination of employment has unfortunately changed after the FWC took a closer look at the termination of employment clause in modern awards.

Previously, clause 16 allowed an employer to deduct from any monies due under the HIGA or the National Employment Standards ('NES'), an amount equal to the notice not provided by an Employee but required under the HIGA and the NES.

In relation to termination of employment, and specifically notice by an employee, the FWC determined, that:

- the previous right to deduct an amount equal to the amount of notice was disproportionate to the loss suffered by an employer;

- this was a term that was not permitted by the *Fair Work Act 2009* ("Act") and therefore could not validly be included in a modern award;
- the Act does not permit a deduction at all where the employee is under 18 years of age;
- the Act states that a deduction must also not be unreasonable in the circumstances; and
- that a deduction can only be taken from wages due under an award.

The new clause 16 states that an employer **will only be able to deduct a maximum of one weeks' wages**, regardless of whether the employee is required to provide notice longer than one week under clause 16 of the HIGA. It also states that a deduction cannot occur when an employee is under the age of 18 and must not be unreasonable in the circumstances.

Further, the deduction can now only be taken from wages due to an employee under the HIGA. This means that a deduction cannot be taken from:

- accrued annual leave, as this an entitlement that is derived from the NES; or
- over-award or other contractual payments not derived from the HIGA, such as bonuses or over-award payments.

The requirement that the deduction must not be unreasonable in the circumstances will likely present some difficulty or confusion as employers will have to consider each deduction on its merits. The HIGA does not provide clarification as to what may be deemed reasonable or unreasonable, however the FWC noted that a deduction may be unreasonable if the employee was unaware of the obligation to

provide notice. Employers should remind employees of their obligations when resigning and ensure that contracts outline notice requirements on employees. A deduction might also be unreasonable if the employee has resigned because of special circumstances.

Further Information:

An updated copy of the HIGA is now available through the QHA website and the QHA has distributed an update to purchasers of the HR Manual.

Financial QHA members seeking more information or wishing to discuss a specific matter related to how the team can assist are encouraged to contact the Employment Relations Department for a confidential discussion.

Contact the Employment Relations Department on **telephone 07 3221 6999** or via **email er@qha.org.au**.

THE QHA HR MANUAL HELPS YOU TO ORGANISE AND MANAGE THE PAPERWORK NECESSARY FOR EMPLOYING STAFF.

We are excited to announce that our current edition of the **HR Manual** has been extended for one more year and will now run from 2017-2019.

The manual is regularly updated and includes comprehensive human

resources policies and helpful templates for everything from job descriptions, appointment letters, discipline and termination letters, policy and procedure templates, timesheets, employer and employee forms and much, much more...

The recently revised edition is available through the online

QHA Shop at www.qha.org.au or by contacting us on **07 3221 6999 - \$365 for members and \$765 for non-members.**



TAB REBRAND OF ALL UBET RETAIL ASSETS

Starting mid-November through to the end of March, all UBET branded Retail assets will be progressively changed from UBET to TAB. This includes:

- Agency and licensed venue signage (external and internal)
- Racetrack infrastructure and signage
- Commercial building signage
- Account betting voice recognition software changes

- Technology visible to the customer at venues (such as terminals, EBTs and odds screens)
- UBET marketing collateral and corporate collateral such as stationary and lanyards

Specifically every licensed venue in Queensland will be contacted in the lead up to the brand change and given a schedule of when they can expect contractors to

be on site to effect the change to the TAB brand (external and internal signage and branding). A Starter Kit will be provided to each location at the same time as signage is replaced containing all the key Regulatory, Customer and Marketing collateral and the signage contractors will install this.



CHRISTMAS AND NEW YEAR TRADING HOURS AND CONDITIONS GUIDE

CHRISTMAS EVE

On Christmas Eve, the sale and supply of alcohol must finish at 12 midnight regardless of whether you have approved extended trading hours. Patrons must finish drinks and leave the premises by 12.30am on Christmas Day.

All gaming machines must stop at 12 midnight on Christmas Eve and may not start again before 10 am on Boxing Day.

CHRISTMAS DAY

On-premises

On Christmas Day, you are permitted to sell and supply liquor between 10 am and midnight in conjunction with a meal in a part of the premises that is ordinarily set aside for dining, if the meal is also prepared, served and intended to be eaten on the premises. (Note: A 'meal' is defined as food eaten by a person at a fixed structure used as a table, with cutlery provided for the purpose of eating the food, and is of a sufficient substance to be ordinarily accepted as a meal.)

Patrons can buy alcohol for 1 hour before eating their meal, while they are eating their meal, and for 1 hour after finishing their meal.

Off-premises

You are not permitted to sell takeaway alcohol on Christmas Day.

ACCOMMODATION GUESTS

On Christmas day, you can provide alcohol to in-house accommodation guests in their room or unit only. Also, licensees with accommodation may serve alcohol to patrons eating a meal in the dining area of the premises between 10 am and 12 midnight. This means that alcohol may be served to patrons for 1 hour before dining, during the course of a meal and for 1 hour after the meal is finished.

BOXING DAY

Usual trading hours and conditions resume for Boxing Day.

NEW YEAR'S EVE

On New Year's Eve, all licensees are permitted to sell or supply liquor until 2 am on New Year's Day. This applies regardless of your regular approved trading hours.

This means that the bar must finish serving at 2 am, unless the premises is currently approved to trade beyond 2 am. Without approved post-2am trading, patrons must

finish drinks and leave the premises by 2.30am.

EXTENDED TRADING HOURS ON NEW YEAR'S EVE

Licensees who wish to continue trading after 2 am, but are not currently approved to do so, must apply for an **extended hours permit**.

The Commissioner for Liquor and Gaming has determined that licensees who want to apply to extend their trading hours to any time between 2 am and 5 am on New Year's Day, will not need to provide evidence that it is a special occasion that persons independent of the licensee wish to celebrate on the licensed premises.

Submit your extended hours application to the Office of Liquor and Gaming Regulation at least 21 days before the event. Apply as early as possible.

QLD BUILDING CLADDING LEGISLATION

The Queensland State Government has enacted laws to address the issue of non-conforming (fireproof) cladding. This issue came to the fore after the Grenfell Tower fire in the UK in 2017, and the Lacrosse Tower fire in Melbourne.

The Queensland Government introduced the Building and Other Legislation (Cladding) Amendment Regulation 2018 which commenced on 1 October 2018. The legislation detailed a three stage process aimed at relevant buildings to identify and assess the risk of cladding products.

Buildings are captured under this legislation if the structure:

- Is any of classes 2 to 9 (which covers high-rise residential and commercial buildings, including trading and accommodation hotels); and
- Had a building development approval issued after 1 January 1994 but before 1 October 2018 to build the structure (or alter the cladding); and

- Is of Type A or Type B construction (buildings of three storeys or higher).

Owners of buildings who meet this criteria will need to comply with the following process, even though there may be 100% certainty no cladding is on the building. The process involves completing details and lodging documents on the online system at www.saferbuildings.qld.gov.au.

Stage 1 – by 29 March 2019

Requires owners to register their buildings on the Safer Buildings website, and complete the online combustible cladding checklist (Part 1). Completion of this stage will determine if further action is required.

Stage 2 – by 29 May 2019

If further action is required, owners are to engage an engineer to prepare a building industry professional statement. Owners must complete the online combustible cladding checklist (Part 2) and upload the statement into the system. Owners of buildings who know/

suspect the building has combustible cladding may skip Stage 2, and engage a fire engineer to complete Stage 3.

Stage 3 (Part A) – by 27 August 2019

Owners are required to engage a fire engineer to prepare a building fire safety risk assessment and statement, and register the fire engineer's details in the online system by 27 August 2019.

Stage 3 (Part B) – by 3 May 2021

Once owners receive the building fire safety risk assessment and fire engineer statement, owners must, by 3 May 2021:

- Complete the online combustible cladding checklist (Part 3); and
- Upload the fire safety risk assessment and statement into the online system.

The fire engineer's assessment will determine if rectification is necessary, and further governmental direction will be promulgated in due course.

TRAINING

RESPONSIBLE MANAGEMENT OF LICENSED VENUES

Price: Member \$395.00
Non-members \$495.00

ROCKHAMPTON

Date: 4th December 2018
Time: 8.00am to 6.30pm
Venue: Leichhardt Hotel, Rockhampton

GOLD COAST

Date: 6th December 2018
Time: 8.00am to 6.30pm
Venue: Crowne Plaza Surfer's, Gold Coast

BRISBANE

Date: 10th December 2018
Time: 8.00am to 6.30pm
Venue: QHA Training Centre, Brisbane

SUNSHINE COAST

Date: 11th December 2018
Time: 8.00am to 6.30pm
Venue: The Sebel, Pelican Waters

BRISBANE

Date: 10th January 2019
Time: 8.00am to 6.30pm
Venue: QHA Training Centre, Brisbane

GOLD COAST

Date: 17th January 2019
Time: 8.00am to 6.30pm
Venue: Crowne Plaza Surfer's, Gold Coast

ROCKHAMPTON

Date: 22nd January 2019
Time: 8.00am to 6.30pm
Venue: Leichhardt Hotel, Rockhampton

TOOWOOMBA

Date: 24th January 2019
Time: 8.00am to 6.30pm
Venue: Burke and Wills Hotel, Toowoomba

BRISBANE

Date: 24th January 2019
Time: 8.00am to 6.30pm
Venue: QHA Training Centre, Brisbane

TOWNSVILLE

Date: 29th January 2019
Time: 8.00am to 6.30pm
Venue: Hotel Grand Chancellor, Townsville

CAIRNS

Date: 31st January 2019
Time: 8.00am to 6.30pm
Venue: Holiday Inn Harbourside

BOOK NOW

Visit www.qha.org.au for any of the training courses mentioned here or contact the QHA Training Dept on (07) 3221 6999 or Email: training@qha.org.au

GAMING NOMINEE TRAINING

BRISBANE

Date: 7th December 2018
Time: 8.00am to 6.30pm
Venue: QHA Training Centre, Brisbane
Price: Member / Non-members \$495.00

BRISBANE

Date: 15th January 2019
Time: 8.00am to 6.30pm
Venue: QHA Training Centre, Brisbane
Price: Member / Non-members \$495.00

DEVELOPING HOTEL MANAGEMENT SKILLS

Date: 11&12 December 2018
Time: 9.00am to 5.00pm
Venue: QHA Training Centre, Brisbane
Price: Member \$495.00 / Non-members \$619.00