

The HOSPITALITY INDUSTRY (GENERAL) AWARD 2010 (MA000009)

AWARD GUIDE.

Subsequent to the introduction of the Fair Work Act 2009, employers that are 'constitutional corporations' (ie: are Pty Ltd companies and have an ABN), therefore 'National System Employers', and are regulated by the Federal 'Modern Award' network, one of which is the 'Hospitality Industry (General) Award 2010'. The minimum rates of pay under this award will be set by Fair Work Australia.

The rates of pay & conditions, (subject the transitional provisions referred to below), and the Annual Wage Review 2009-10, conducted by the Minimum Wage Panel of Fair Work Australia, have applied since 1st January 2010.

IMPORTANT DISCLAIMER:

This guide is intended to provide a summary only of the *Fitness Industry (General) Award 2010*, and has been prepared by HMT Consulting for the use of Outdoor Council of Australia members.

No responsibility is taken for any errors or omissions.

ABOUT THE AWARD

- **The Award came into operation, throughout Australia on 1st January 2010, and is legally enforceable.**
- A complete copy of the document is available on the Fair Work Australia website:
<http://www.fairworkaustralia.gov.au>
- **Area of Operation** – The award covers employees in the *Hospitality industry*, throughout Australia, including, but not limited to:
 - **Registered clubs**
 - **Boarding schools**
 - **Residential colleges**
 - **Catering by a restaurant business**
 - **Theme parks**
 - **Recreational farms**

- **Guest houses**
- **Ranches or farms**
- **Tourist accommodation, including resorts**

N.B Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

TRANSITION ARRANGEMENTS

To facilitate the introduction of the new award *Fair Work Australia* has built in mechanisms that permit some new conditions of employment and wage rates, being phases in between 1.7.10 and 1.7.13, including Casual Loadings, Penalty Rates and Minimum Wages.

Each employer should compare their current workplace arrangements against Schedule ‘A’ of the award. If in doubt in relation to your obligations and your employee’s entitlements, you should contact *Fair Work Australia’s helpline: 1300799675*

SIGNIFICANT PROVISIONS.

Employment Categories – The award covers Full-time, Part-time or Casual employees.

Full-time – is an employee who is engaged to work an average of 38 hours per week;

Salaried staff – paid in accordance with clause 27 of the Award.

Part-time – is an employee engaged in writing as such, to work *reasonably predictable hours*, less than 38 per week, in shifts of a minimum of 3 consecutive hours. All time worked in excess of the hours agreed will be paid at overtime rates. They shall receive the entitlements of a fulltime employee on a proportional basis.

Casuals – Are employees not classified as ‘part-timers’, paid a loading of 25% on a Monday to Friday basis, for a minimum engagement of 2 hours.(see penalty matrix below for further details.

Classification Structure – *Schedule ‘D’* of the award details a 7 level classification structure.

Hours of work – The ordinary hours of work shall be an average of 38 for full-time employees.

Full-time employees must not be rostered to work fewer than 6 nor more than 11.5 hours on any one day, exclusive of meal break intervals, nor more than 10 hours on more than 3 consecutive days. No more than 8 days of more than 10 hours may be worked in a 4 week period. Provided that the parties may agree to other arrangements for the working of the 38 hour week, under clause 29.2.

The rostering for all employees, other than casuals, will provide for a minimum break of 10 hours between the finish of ordinary hours on one day and the commencement of ordinary hours on the following day.

Weekly employees must be notified by the employer of their rostered hours at least 14 days in advance, however may be varied by mutual consent or due to circumstances beyond the control of the employer.

Penalty rates –

Employees performing work on the following days will be paid the following percentage of the minimum wage rate in clause 20 – *Minimum Wages* for the relevant classification:

	Monday to Friday	Saturday	Sunday	Public Holidays.
Weekly employees, including part-timers, but excluding ‘salaried’.	100%	125%	175%	250%
Casuals (inclusive of the 25% casual loading).	125%	150%	175%	275%

N.B Employees, other than casuals, will be paid for a minimum of 4 hours on a public holiday.

OTHER IMPORTANT POINTS

The employers should take particular care to acquaint themselves with the details of the following provisions of the new Award:

National Employment Standards	Clauses 5&6.
Award flexibility	Clause 7.
Consultation regarding major workplace change	8.
Dispute resolution	9.
Termination of Employment & Redundancy	16 &17.
Superannuation	28.
Breaks	31.
Overtime & Penalties	33 &32.
Annual Leave	34.
Schedule ‘D’	- Classification Definitions
Schedule ‘E’	- Supported Wages System
Schedule ‘F’	- National Training Wage.

ADDITIONAL PAYMENTS

Meal allowance – payable where an employee is required to work for more than 2 hours immediately after their ordinary hours of work, \$10.07 on each occasion.

Tools - \$1.55 per day up to \$7.60 per week.

Laundry - \$6.00 per week or \$2.05 per item for casuals.

Vehicle – 74 cents per klm for authorised travel.

First aid – An employee who is rostered by an employer to be on *first aid duty* at a particular time must be paid per day 1.2% of the standard weekly rate extra.

Supervisory:

11 to 20 employees 3.1% of the standard rate per week extra;

More than 20 employees 5.2% “ “ “.

Sleepover allowance – 6% of the standard weekly rate per overnight period, with any work in excess of 1 hour’s duration to be paid at time and a half.

Broken shifts – An employee working a rostered broken shift must be paid .33% of the standard weekly rate or where the work is in excess of 3 hours 5% of the standard rate extra.

Junior Rates (other than office juniors)

Where junior rates apply, employees will be paid in accordance with the following scale:

<u>AGE</u>	<u>% OF ADULT RATE.</u>
Under 16 years	45
16 years	55
17 years	65
18 years	75
19 years	90
20 years	100

AWARD RATES

(Applicable from the first pay period commencing on or after 1st July 2010)

Level	Ordinary Time, weekly hourly rates.
1	\$15.00
2	\$15.44
3	\$16.03
4	\$16.58
5	\$17.47
6	\$18.57
7	\$19.06

These rates will be adjusted from time to time by Fair Work Australia.