



Restaurant
& Catering

**OUTLINE OF SUBMISSIONS
PENALTY RATES
RESTAURANT INDUSTRY AWARD AM2014/284
HOSPITALITY INDUSTRY (GENERAL) AWARD AM2014/272
FAST FOOD INDUSTRY AWARD AM2014/267**

4 DECEMBER 2014

Restaurant & Catering Industrial
ABN: 31 739 604 819
Level 3, 154 Pacific Highway, St Leonards NSW 2065

Restaurant & Catering Industrial

- 1) Restaurant & Catering Industrial is a Registered Organisation under the Fair Work (Registered Organisations) Act 2009 and represents the industrial interests of restaurants, cafes and catering businesses across Australia.

About the Industry

- 2) The industry turns over some \$20 Billion per annum and is looking down the barrel of 8+% employment growth in the next twelve months. This growth is on top of a sizeable attrition from the industry due to the large number of casual employees engaged.
- 3) Approximately 63% of the industry earns an average 2% after tax and the overall average is only 4%. It is expected profits will further deteriorate in the short term. The restaurant sector is 58% of the hospitality industry and some 62% of employment in the industry. The average employment per business is 8 employees.

Outline of submissions

- 4) Further to the Directions set out by the President Justice Ross on 28 November 2014 Restaurant & Catering Industrial provides the following particulars in respect to the claims to be pursued in respect to penalty rates for the Restaurant Industry Award 2010, Hospitality Industry (General) Award 2010 and the Fast Food Industry Award 2010.
- 5) The penalty rate claim is to further extend the changes determined by a Full Bench on Appeal in respect to the 2 year review of the Restaurant Industry Award [2014] FWCFB 1996 14 May 2014.
- 6) The scope of the claim is as follows in respect to the penalty rate clauses in the Restaurant Industry Award, Hospitality Industry (General) Award and Fast Food Industry Award:

Type of employment	Monday to Friday	Saturday	Sunday
	%	%	%
Full-time and part-time	100	125	125
Casual employees (inclusive of 25% casual loading)	125	150	150

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- 7) We shall seek relief for employers covered by the Restaurant Industry Award, Hospitality Industry (General) Award and Fast Food Industry Award by removal of late night penalties from the Awards.
 - 8) Restaurant & Catering Industrial envisages that it will file circa 20 witness statements from affected business owners and will file other supporting evidence including Survey, Case Law and other evidence supporting its claims.
 - 9) Restaurant & Catering Industrial considers that 3/4 days of hearings should be allocated before the Full Bench to address these matters and we seek hearings to take place in June, July or August at the latest in 2015 as the winter months provide the best timing for our business owners to give evidence before the Fair Work Commission.