

From: traci riddell <riddells2@hotmail.com>
Sent: Friday, 15 May 2020 10:44 AM
To: AMOD <AMOD@fwc.gov.au>
Subject: CAI Proposed Variation to Managers Entitlements

Fair Work Commission
Matter No: AM2014/283 Registered and Licensed Clubs Award
ATT: Justice Ross

Dear Sir,

This will adversely affect the employment conditions of club managers. We work long hours(12 hour shifts) and we would be profoundly affected by this decision. This is not a timely or welcomed move.

Our families would also be adversely affected by this decision as much of our time doing long hour and rotating shifts take away What precious time we have with them which is why we need to have our 5 weeks of leave per year. Work ,life ,balance!

Cessation of Annual Leave Loading for Managers receiving 20% and 50% Exemption Rates

I cannot see any justification for the continued payment of annual leave loading for salaried managers - it is not protecting them from lost wages but simply conferring an additional financial entitlement.

This proposal is a brazen attempt to strip us as managers of an existing managerial entitlement loading for working over-time hours and we will oppose it.

Decrease in Annual Leave Entitlements from 5 Weeks to 4 Weeks per annum

We as members of the **CMAA** believes that this proposed variation is again a brazen attempt to strip managers of an existing managerial entitlement loading and will oppose it.

In light of the current economic climate, club shut down and the COVID-19 pandemic this could not come at a worst time.

Now, more than at any other time in the Club Industry's long and prestigious history, club managers' skills, knowledge and business acumen are required to navigate through the current COVID 19 related situation. To penalise us as individuals to whom our club board and our members will be relying upon to ensure that our club (my club) survives into the future is at best laughable at worst just downright degrading.

Many Thanks

Traci Riddell CMAA Member

Club Manager

Blacktown Worker's Club

Subject	CAI RESPONSE TO UNITED VOICE CORRESPONDENCE			
Circular No	18-059			
Date	31 July 2018			
Appropriate for	<input checked="" type="checkbox"/> Directors <input checked="" type="checkbox"/> HR Mgr	<input checked="" type="checkbox"/> CEO <input type="checkbox"/> Marketing Mgr	<input type="checkbox"/> Gaming Mgr <input type="checkbox"/> Food and Beverage Mgr	<input type="checkbox"/> Entertainment Mgr

Member Clubs may have recently received correspondence from the federal branch of United Voice in relation to Clubs Australia – Industrial’s (CAI) application in the Fair Work Commission (FWC) to merge the Clubs Award with the Hospitality Award.

Clubs should not take the letter at face value nor assume that a union, with minimal coverage in our sector, has their interests at heart. On the contrary, the letter contains many misrepresentations, designed to create uncertainty and publicity in support of the union’s political and membership objectives.

For background, I would like to restate important facts about our application, as set out in previous circulars.

1. It is a condition of our application, that a separate club specific schedule be established within the Hospitality Award to cover club employees. This will include recent, favourable changes to the Clubs Award that preserve flexible part-time conditions and minimum engagement periods for casuals.
2. Club Managers will not be adversely affected by the Award consolidation as our application to the FWC is conditional upon the existing managerial entitlements remaining in the consolidated Award.
3. Clubs will have the flexibility to pay weekend penalty rates in line with other comparable hospitality industries such as pubs and cafés. Again, it is important to remember the Award only sets out the minimum rates of pay and conditions and it is up to individual clubs to decide at what rate they pay their employees. Many clubs already pay above Award rates on weekends, either informally or through Enterprise Bargaining Agreements (EBAs) and they can continue to do that. While for some clubs public holiday penalty rates might not be a significant concern, they are for the roughly 50 per cent of our industry under financial stress and it is helpful for them to be able to pay the same rates as other hospitality businesses.

We have taken this approach after extensive consultation with clubs across Australia.

In relation to the union’s letter, the main points I would like to cover off are:

1. CAI is not arguing that clubs are the same as other hospitality businesses

As we have stated publicly, in the FWC and to the union itself, CAI argues there are significant differences between clubs and other hospitality businesses, but that the actual task of pouring a beer is the same

whether it occurs in a club or a hotel and as such the rates of pay for that should be aligned. The submission put by CAI is that there is no logical reason as to why a Club should pay 25% more for labour compared to a casino or a hotel for the same type of work.

2. CAI has consulted

CAI embarked upon an extensive consultation process throughout the entirety of the Modern Award Review process. It should be noted that CAI's position in respect of penalty rates has been on the record before the FWC since 2015.

3. Union red herrings

This matter has nothing at all to do with clubs' not-for-profit status, income tax treatment, treatment of gaming machines and the rates of taxation on gaming income. The FWC's jurisdiction is limited to award matters. It should be noted that the FWC has combined not-for-profit with for-profit employers in other awards, including *Aged Care Award 2010* and *Clerks – Private Sector Award 2010*. In its decision in February 2017, the FWC acknowledged the important difference and the role played by Clubs, but stated that these differences would not be an impediment to the same industrial instrument coverage for workers.

For more information contact CAI's Executive Director, Chris Mossman on (02) 9268-3000 or cmossman@clubsnsw.com.au.

Anthony Ball
Chief Executive Officer

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