



11 December 2017

The Honourable Justice Ross AO, President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: Chambers.Ross.j@fwc.gov.au; amod@fwc.gov.au

Dear Associate,

AM2016/15, AM2014/272 Hospitality Industry (General) Award 2010 - Plain language Re-Drafting

We write in response to the Statement¹ made 25 October 2017 ('October Statement') in relation to the plain language redrafting of the Hospitality Industry (General) Award 2010 ('Hospitality Award'), in which it was directed that submissions in reply be filed by 11 December 2017.

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The Australian Hotels Association (AHA), in their submission filed 20 November 2017, have proposed new wording for the Note in Schedule C.3. We object to the new proposed wording. Clause 24.5 of the plain language draft of the Hospitality Award states:

Unless the employer and the employee otherwise agree, an annualised salary satisfies this award in relation to penalty rates and overtime.

A similar provision is found in Clause 27.1(b)(ii) of the current award. The current proposed wording "...and may not be payable to an employee to whom clause 24 applies" accurately reflects that there is scope for an employee and an employer to arrange an annualised salary that does not satisfy penalty rates. The new wording proposed by the AHA is in conflict with the provisions in clause 24.5 and the current proposed wording should be retained.

Regards,

Natalie Dabarera
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United Voice National Office
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¹ [2017] FWC 5402