



# BACKGROUND PAPER

*Fair Work Act 2009*

s.156—4 yearly review of modern awards

## 4 yearly review of modern awards—*Fast Food Industry Award 2010*

(AM2017/49)

MELBOURNE, 20 MARCH 2019

*Fast Food Industry Award 2010 – Award stage – substantive issues*

**Below are two options for re-drafting current clauses 12.3 and 12.4 of the *Fast Food Industry Award 2010*. The options are provided in order to assist discussion and do not represent the view of the Full Bench.**

### Option 1—Proposed re-draft:

12.2 At the time of first being employed, the employer and the part-time employee will agree, in writing, on a regular pattern of work, specifying at least:

- the number of hours worked each day;
- which days of the week the employee will work;
- the actual starting and finishing times of each day;
- that any variation will be in writing;
- that the minimum daily engagement is three hours; and
- the times of taking and the duration of meal breaks.

12.3 The employer and employee may agree to vary an agreement made under clause 12.2 on an ongoing basis or for a specified period of time, as follows:

- (a) the variation must be recorded by the end of the first affected shift; and
- (b) the variation must be recording in writing, including by any electronic means of communication.

12.4 The employer must keep a copy of any agreement made under clause 12.2 and any variation made under clause 12.3 and provide a copy to the employee, if requested to do so.

**Option 2—Proposed re-draft:**

- 12.2 At the time of first being employed, the employer and the part-time employee will agree, in writing, on a regular pattern of work, specifying at least:
- the number of hours worked each day;
  - which days of the week the employee will work;
  - the actual starting and finishing times of each day;
  - that any variation will be in writing;
  - that the minimum daily engagement is three hours; and
  - the times of taking and the duration of meal breaks.
- 12.3 The employer and employee may agree to vary an agreement made under clause 12.2 in relation to a particular rostered shift as follows;
- (a) the variation must be recorded by the end of the affected shift; and
  - (b) the variation must be recording in writing, including by any electronic means of communication.
- 12.4 The employer and employee may agree to vary an agreement made under clause 12.2, in respect of the regular pattern of work, on an ongoing basis or for a specified period of time, as follows;
- (a) any agreement to vary the regular pattern of work on an ongoing basis or for a specified period of time will be made in writing before the variation occurs; and
  - (b) the variation must be recording in writing, including by any electronic means of communication.
- 12.5 The employer must keep a copy of any agreement made under clause 12.2 and any variation made under clause 12.3 and 12.4 and provide a copy to the employee, if requested to do so.