



## **Australian Hotels Association**

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**Submission in relation to:  
4 Yearly Review of Modern Awards  
- Award Flexibility and Public Holidays  
(AM2014/300 and 301)**

**13<sup>th</sup> November 2014**

### **Contact**

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## **About the Australian Hotels Association (AHA)**

The Australian Hotels Association (AHA) is an organisation of employers in the hotel and hospitality industry registered under the *Fair Work (Registered Organisations) Act 2009*. It's membership of more than 5,000 licensed hotel businesses includes pub style hotels, plus three, four and five-star accommodation hotels located in each state and territory.

The AHA's members are serviced by branches located in every state and territory capital city and a Canberra based national office. Accommodation hotels are represented by tourism Accommodation Australia, a division of the AHA.

The majority of employees employed by hospitality venues are covered by the terms of the Hospitality Industry (General) Award 2010 (MA000009) (HIGA).

## **The Hotel Industry**

The Hotel Industry operates primarily over 24 hours a day, 7 days a week, and 52 weeks of the year and is a significant employer nationally, with more than 278,000 persons employed between the pub sector (188,000)<sup>1</sup> and the accommodation sector (90,000)<sup>2</sup>, and an annual wages and salaries contribution of \$5.41 billion.

Although some hotels are large-scale operations with hundreds of employees that form part of national or international chains, the majority of AHA members are small, locally owned businesses serving their surrounding communities. In 2005-2006 only 145 of 65,197 businesses in the ABS Accommodation, cafes and Restaurants sector employed more than 100 people<sup>3</sup>.

Around one-third of the AHA's members are located in regional areas, where hotels play central roles as a social hub, a provider of food, entertainment and banking services and a community meeting place, but also as one of the larger employers.

## **Outline of Submission**

The AHA acknowledges the Directions of President Justice Ross of the 6<sup>th</sup> November 2014, seeking short submissions on the following:-

- Outlining the nature of the changes sought in relation to these common issues; and
- Listing the awards affected the proposed changes

The above Directions confirms the initial conference to be held on 17<sup>th</sup> November 2014 at 4.30 (EST) as advised in the Statement of the 30<sup>th</sup> October 2014 [2014] FWC 7742, where interested parties were invited to make oral submissions on the scope of each of the common issues.

The AHA will provide an oral submission on the 17<sup>th</sup> November 2014, based on the following outline of the changes sought:

- **Public Holidays**

The AHA change being sought on Public Holidays is as submitted in its submission of the 3<sup>rd</sup> February 2014 in relation to the FWC Issues Paper [AM2014|1].

The changes being sought to the Public Holiday provisions at Clause 37 of the Hospitality Industry (General) Award 2010 (the 'Award') will be:-

- "to limit the number of Public Holidays in which penalty rates should be applied Nationally, in line with the recommendations of the Fair Work Act Review Panel"

In seeking this change, the AHA, identifies that this change was pursued as part of the Two (2) Year Review process. The FWC in its decision of the 12<sup>th</sup> April 2013 [2013] FWCFB2168 identified that the Application was not within the relevant framework of the 2 year review.

- **Award Flexibility**

The AHA seeks to be a party in this particular common issue should the Award be sought to be varied by any other party.

The AHA reserves its rights to pursue a review of these provisions in the Award stage in terms of any technical or practical amendments that are considered necessary in its ongoing application.

In addition, the AHA is aware of the Fair Work Amendment Bill 2014 currently in Parliament and the impact that Bill may have on the Award Flexibility provisions in Modern Awards.