

This table is a summary of proposed variations lodged for this award – updated 8 March 2017.

*Fast Food Industry Award 2010*

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission).

| ITEM | PARTY | DOCUMENT                     | CLAUSE<br>(current<br>award) | SUMMARY OF ISSUE  | THEIR<br>REFERENCE | NOTES  |
|------|-------|------------------------------|------------------------------|---|--------------------|--|
| S1.  | AIG   | <a href="#">Sub-2Mar15</a>   | 4                            | <b>Coverage</b><br>Seeks a May seek variation to coverage to avoid potential overlap with other awards.   | Page 6             | Not being pursued, <a href="#">Sub-7-Oct-16</a>  |
| S2.  | NRA   | <a href="#">Sub-2Mar15</a>   | 8.1                          | <b>Consultation</b><br>Vary clause to reflect historical award provisions.  | Point 4            |  |
| S3.  | SDA   | <a href="#">Sub-2Mar15</a>   | 11                           | <b>Full-time employees</b><br>Seeks to include requirement for agreement in writing ‘at time of engagement on a regular pattern of work and requirements for variation of pattern of work’. | Point 4            |  |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |   | Paras 5-6          |  |
| S4.  | SDA   | <a href="#">Sub-2Mar15</a>   | 11                           | <b>Full-time employees</b><br>Seeks to include minimum shift of 4 hours for full-time employees. Currently no minimum shift entitlement for full-time employees. Proposes wording.          | Point 5            |  |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |   | Paras 7-9          |  |
| S5.  | NRA   | <a href="#">Sub-2Mar15</a>   | 12                           | <b>Part-time employees</b><br>Vary clause to introduce flexibility in rostering part-time employees.  | Point 4            | Referred to Part-time and Casual Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a> |
| S6.  | AIG   | <a href="#">Sub-2Mar15</a>   | 13                           | <b>Casual employment</b>  | Page 6             | Being dealt with by Part-  |

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|      |       |                              |                              | Proposes that the minimum engagement period for casual employees be changed to 2 hours instead of 3 hours.   |                    | time and Casual Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a>                              |
| S7.  | NRA   | <a href="#">Sub-2Mar15</a>   | 13.4                         | <b>Casual employment</b><br>Reduce minimum shift engagement for casual employees from 3 hours to 2 hours.  | Point 4            | Being dealt with by Part-time and Casual Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a>     |
| S8.  | SDA   | <a href="#">Sub-2Mar15</a>   | 49                           | <b>Allowances</b><br><del>Seeks to insert new clause which will provide all fast food employees working at airports an allowance of \$6.52 or with parking at the employer's expense.</del>                      | Point 19           | Not being pursued, <a href="#">Sub-3-Oct-16</a>  |
| S9.  | NRA   | <a href="#">Sub-2Mar15</a>   | 19.2(b)                      | <b>Allowances—special clothing</b><br>Vary clause to confirm its applicability to the dry cleaning of garments.  | Point 4            |  |
| S9A. | AIG   | <a href="#">Sub-7-Oct-16</a> | 19.2(b)                      | <b>Allowances—special clothing</b><br>Proposes laundry allowance be removed.   | Para 8(a)          |  |
| S10. | SDA   | <a href="#">Sub-2Mar15</a>   | 22                           | <b>Payment of wages</b><br>Seeks to vary clause so that all wages shall be paid on a regular pay day within 4 days of the end of the pay period.   | Point 6            | Further submission, <a href="#">Sub-3-Oct-16</a> – being dealt with as part of common issue <a href="#">AM2016/8</a> |
| S11. | SDA   | <a href="#">Sub-2Mar15</a>   | 22                           | <b>Payment of wages</b><br>Seeks to vary clause to require the employer to notify the employee in writing as to which day is the pay day and provide 4 weeks' written notice if they wish to change the pay day. | Point 8            | Further submission, <a href="#">Sub-3-Oct-16</a> – being dealt with as part of common issue <a href="#">AM2016/8</a> |
| S12. | SDA   | <a href="#">Sub-2Mar15</a>   | 25                           | <b>Hours of work</b><br>Award currently contains rostering   | Point 12           |  |

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|      |       | <a href="#">Sub-3-Oct-16</a> |                              | provisions in the overtime clause which are not referred to in the hours of work clause. Proposes alternative wording.   | Paras 11-15        |   |
| S13. | SDA   | <a href="#">Sub-2Mar15</a>   | 25                           | <b>Hours of work</b><br>Seeks to insert a maximum roster period of four weeks into Award.  | Point 14           |   |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |  | Paras 11-15        |   |
| S14. | SDA   | <a href="#">Sub-2Mar15</a>   | 25                           | <b>Hours of work</b><br>Seeks to insert a new provision which would ensure employees under 18 years of age are not permitted to work in a fast food establishment after 10pm on any night. | Point 28           |   |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |  | Paras 33-35        |   |
| S15. | RCI   | <a href="#">Sub-4Dec14</a>   | 25.5                         | <b>Penalty rates</b><br>Party seeks the removal of late night penalties.   | Point 6            | Being dealt with in <a href="#">AM2014/305</a> – Penalty rates. Decision handed down 23/02/17 – <a href="#">[2017] FWCFB 1001</a> |
| S16. | AIG   | <a href="#">Sub-2Mar15</a>   | 25.5(a)(ii)                  | <b>Hours of work</b><br>Party notes the ambiguity in the application of the evening penalty and proposes end time of 5 am.   | Page 7             | Being dealt with in <a href="#">AM2014/305</a> – Penalty rates. Decision handed down 23/02/17 – <a href="#">[2017] FWCFB 1001</a> |
|      |       | <a href="#">Sub-7-Oct-16</a> |                              |  | Para 8(b)          |   |
| S17. | BSA   | <a href="#">Sub-2Mar15</a>   | 25.5(a)(ii)                  | <b>Hours of work</b><br><del>Current clause does not indicate when the 15% penalty rate ceases to apply.</del>   | Page 9             | Not being pursued as a substantive amendment, may be addressed as a technical and drafting issue, <a href="#">Sub-29-Sep-16</a>   |
| S18. | FWO   | <a href="#">Sub-2Mar15</a>   | 25.5(a)(ii)                  | <b>Hours of work</b><br>Current clause does not indicate when the  | Point 11           | Being dealt with in <a href="#">AM2014/305</a> – Penalty  |

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|      |       |                              |                              | 15% penalty rate ceases to apply.  |                    | rates. Decision handed down 23/02/17 – <a href="#">[2017] FWCFB 1001</a>   |
| S19. | AIG   | <a href="#">Sub-2Mar15</a>   | 25.5(b)                      | <b>Hours of work –Saturday work</b><br>Reference to “span of hours” is unnecessary and confused – it should be deleted.  | Page 7             |  |
|      |       | <a href="#">Sub-7-Oct-16</a> |                              |  | Para 8(c)          |  |
| S20. | FWO   | <a href="#">Sub-2Mar15</a>   | 25.5(e) & 26                 | <b>Hours of work</b><br>Unclear how clauses 25.5(e) and 26 interact.   | Point 12           |  |
| S21. | RCI   | <a href="#">Sub-4Dec14</a>   | 26                           | <b>Overtime</b><br>Seeks to reduce the over-time rate for full-time, part-time and casual employees. Provides proposed percentages.  | Point 7            |  |
| S22. | SDA   | <a href="#">Sub-2Mar15</a>   | 26.5                         | <b>Overtime</b><br>Seeks to insert wording to ensure that there is no ambiguity as to the payment of overtime for all permanent and casual employees performing work outside ordinary hours. | Point 15           | Being dealt with by Part-time and Casual Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a> |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |  | Point 16           |  |
| S23. | AIG   | <a href="#">Sub-2Mar15</a>   | 27.1                         | <b>Breaks</b><br>Proposes greater flexibility should exist to allow for the applicable 10 minute break to be taken as a 2 x 5 minute rest break.   | Page 7             |  |
|      |       | <a href="#">Sub-7-Oct-16</a> |                              |  | Para 8(d)          |  |
| S24. | SDA   | <a href="#">Sub-2Mar15</a>   | 28                           | <b>Annual leave</b><br>Seeks to insert new clause, Blood and Bone Marrow Donor Leave. Proposed wording in submission.  | Point 20           | Being dealt with as part of <a href="#">AM2016/36</a>  |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |  | Paras 24-32        |  |
| S25. | SDA   | <a href="#">Sub-2Mar15</a>   | 29                           | <b>Personal/carer’s leave and</b>  | Point 16           |  |

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|      |       | <a href="#">Sub-3-Oct-16</a> |                              | <b>compassionate leave</b><br>Party seeks to vary compassionate leave clause. Proposed wording in submission.   | Paras 17-19        |       |
| S26. | SDA   | <a href="#">Sub-2Mar15</a>   | 30                           | <b>Public holidays</b><br>Seeks to have a provision which would allow an employee who works public holidays to elect to be paid 150% and receive an equivalent day or time off in lieu of the penalty rate. | Point 17           |       |
| S27. | SDA   | <a href="#">Sub-2Mar15</a>   | Schedule<br>B                | <b>Classifications</b><br>Seeks to insert wording to ensure that employees cannot be required to exhibit clothes or other fashion articles/ accessories of a revealing or indecent manner.                  | Point 18           |       |
|      |       | <a href="#">Sub-3-Oct-16</a> |                              |   | Paras 20-22        |       |

**List of abbreviations (in alphabetical order)**

|     |   |
|-----|---|
| AIG | Australian Industry Group                           |
| BSA | Business SA   |
| FWO | Fair Work Ombudsman                                 |
| NRA | National Retail Association                         |
| RCI | Restaurant and Catering Industrial                  |
| SDA | Shop, Distributive and Allied Employees Association |