

This table is a summary of proposed variations lodged for the *Hospitality Industry (General) Award 2010*. A Statement was issued on 2 November 2017. This table has been updated to include submissions received in response to the Statement — as at 24 November 2017.

PROPOSED VARIATIONS RAISED BY EACH PARTY

Australian Hotels Association (on behalf of AHA, Accommodation Association of Australia and the Motor Inn, Motel and Accommodation Association)

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
1	AHA	sub-12/11/15 sub-13/10/16	New clause	Abandonment of Employment Seeks to insert an abandonment of employment clause based on the current clause in the <i>Manufacturing and Associated Industries and Occupations Award 2010</i>	Paras 36-37	Withdrawn - sub-13/10/16 , Sub-24/11/17
2	AHA	sub-02/03/15	New clause	Multi-hire arrangements Seeks to introduce clause allowing permanent employees to work casual shifts via multi-hire arrangements.	Page 3	Outstanding – sub-24/11/17 See also Item 5
		Sub-24/11/17		Continues to press — Item 2 (as raised submissions of 2/3/15) is the same as Item 5 (as raised with specific detail in submissions of 7/10 and 13/10/16).	Para 5	
3	AHA	sub-02/03/15 Sub-13/10/16	3	Definitions Insertion of a new/amended definition for ‘accrued rostered day off’, ‘catering employee’,	Page 3 Para 14	Outstanding – sub-24/11/17 HIGA-PLED cl 2 includes

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				‘motel employee’; and ‘liquor service employee’. Sub-13/10/16 – also insert a definition for ‘junior employee’.		new/amended definitions for: Junior employee, liquor service employee
		Sub-24/11/17		Continues to press.	Para 5	
4	AHA	sub-12/11/15	3	Definitions Seeks to vary clause by clarifying scope and application of the definition of “ordinary hourly rate”.	Para 16	Outstanding – sub-24/11/17 HIGA-PLED definition has been amended to include reference to all purpose allowances
		Sub-24/11/17		Continues to press.	Para 5	
5	AHA	Sub-07/10/16 Sub-13/10/16	11	Full-time employment Add new clause to allow full-time employees who so wish, to request to, and perform work, in another area of an employer’s enterprise as a separate casual engagement.	Para 6 Para 6	See item 2
5A	AHA	Sub-13/10/16 (added 08/01/18)	12	Part-time employment Variation sought, if necessary, is a minor amendment to ensure consistency throughout the award with respect to where reference is made to applicable rate of pay.	Para 15	Outstanding – sub-24/11/17 Note that matters dealing with part-time employment is a Common Issue (AM2014/196)
		Sub-24/11/17		Continues to press.	Para 5	

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6	AHA	sub-02/03/15 Sub-13/10/16	13.3	Payment for casuals Amend clause to provide consistency with cl 26—payment of wages.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED cl 11.4 replicates HIGA 2010 provision in this regard
		Sub-13/10/16		Clarify the rate of which the casual loading is applied and clarify that cl 26—Payment of wages is applicable to a casual employee.	Para 16	
		Sub-24/11/17		Continues to press.	Para 5	
7	AHA	sub-02/03/15 Sub-13/10/16	14	Apprentices Introduce competency based pay scale.	Page 3 Para 7	Outstanding – sub-24/11/17 HIGA-PLED cl 12 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
8	AHA	sub-02/03/15	14 and Schedule F	Apprentices and Trainees Introduce exclusion for an apprentice or trainee undertaking nationally recognised training being subject to the liquor service employee definition.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED cl 12 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
9	AHA	Sub-13/10/16	15	Junior employees An amendment to cl 15.1 removing the definition of a ‘liquor service employee’, therefore referring interpretation of a ‘liquor	Para 17	Outstanding – sub-24/11/17 HIGA-PLED cl 13

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				service employee' to cl 3; The insertion of a new cl 15.2 clarifying the application of cl 15.1; and The renumbering of cls 15.2 and 15.3 as 15.3 and 15.4 respectively.		
		Sub-24/11/17		Continues to press.	Para 5	
10	AHA	sub-02/03/15	20.2	Minimum wages – Managerial Staff (Hotels) Introduce base rates of pay for part time and casual employees within the Managerial staff (Hotels) classification. (Linked to Schedule D.2.9).	Page 3	Outstanding – sub-24/11/17 HIGA-PLED cl 18.2 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
11	AHA	sub-12/11/15 Sub-13/10/16	20.2	Minimum wages – Managerial Staff (Hotels) Seeks to vary clause to include minimum hourly wage for Managerial Staff.	Para 16 Para 18	Outstanding – sub-24/11/17 HIGA-PLED cl 18.2 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
12	AHA	sub-12/11/15 Sub-13/10/16	20.3	Minimum wages – Casino gaming classifications Seeks to vary clause to include minimum hourly wages for all levels within the Casino	Para 16 Para 18	Resolved – sub-24/11/17 HIGA-PLED cl 18.3 (Table 4) includes Column 3 – casino

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				Gaming classifications.		gaming minimum hourly rates
		Sub-24/11/17		Resolved	Para 8	
13	AHA	sub-12/11/15 Sub-13/10/16	20.4	Minimum wages – Apprentice wages Seeks to vary clause to include references to the “standard hourly rate”.	Para 16	Outstanding – sub-24/11/17 HIGA-PLED cl 19 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
14	AHA	Sub-13/10/16	20.4	Minimum wages – Apprentice wages In conjunction with the variation to cl 14, varying the existing cl 20.4 to incorporate and facilitate competency based wage progression for certain apprentices, replacing existing references to ‘standard weekly rate’ with ‘standard hourly rate’ and other small amendments to the existing clause.	Para 8	Outstanding – sub-24/11/17 HIGA-PLED cl 19 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
15	AHA	sub-02/03/15	20.5 (cited as 15)	Juniors Amended junior rates structures to reflect single junior rates structure.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED cl 18.4 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	

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16	AHA	Sub-13/10/16	20.5(b)	Juniors Delete cl 20.5 (b), making other small amendments resulting in a single payment schedule for junior employees and other small amendments including a reference to the 'ordinary hourly rate' for the purpose of determining the relevant hourly rate.	Para 8	Outstanding – sub-24/11/17 HIGA-PLED cl 18.4 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
17	AHA	sub-02/03/15 sub-7/10/16	21.1(b)	Clothing, Equipment and Tools Allowance Provision of a security bond for cost of identified employer property provided to the employee as part of their employment.	Page 3 Para 4	Withdrawn - sub-7/10/16 , Sub-24/11/17
18	AHA	sub-02/03/15 sub-7/10/16	21.3	Allowances – particular tasks etc Amend to clarify the compensation and duration of work.	Page 3 Para 4	Withdrawn - sub-7/10/16 , Sub-24/11/17
19	AHA	sub-09/12/15	26	Payment of wages Amend Payment of wages to allow for averaging salaries in accordance with the hours of work averaging system (see item 26)	Pages 1–3	Outstanding – sub-24/11/17 HIGA-PLED cl 23 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	

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19A	AHA	Sub-13/10/16 (added 08/01/18)	27.2	Salaries absorption (Managerial Staff (Hotels)) In the event that the substantive claim re deletion of D.2.9 does not proceed, seeks to clarify that the application of cl 27.2 is limited to full-time employees.	Para 20(a)	Outstanding – sub-24/11/17
		Sub-24/11/17		Continues to press.	Para 6	
19B	AHA	Sub-13/10/16 (added 08/01/18)	27.2(a)	Salaries absorption (Managerial Staff (Hotels)) Seeks of delete cl 12 from cl 27.2(a) and clarify that reference in cl 27.2(a) to cl 34.2 is made in respect to annual leave loading.	Para 20(b)	Outstanding – sub-24/11/17
		Sub-24/11/17		Continues to press.	Para 6	
20	AHA	sub-12/11/15	27.2(c)	Salaries absorption (Managerial Staff (Hotels)) Seeks to vary clause so that an employer and employee can extend the 28 day timeframe by agreement.	Para 19-22	Resolved – sub-24/11/17 HIGA-PLED cl 24.9 replicates HIGA 2010 does not limit the taking of the day to within 28 days.
		Sub-24/11/17		Resolved.	Para 8	
21	AHA	Sub-13/10/16	29	Ordinary Hours of Work - Full-time and part-time employees	Para 9	Outstanding – sub-24/11/17

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				Insert additional alternatives within cl 29.1(a) to better reflect the varying patterns of work within the Hospitality industry.		See also Item 22 HIGA-PLED cl 15 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press. Item 22 is the same as Item 21 (as raised in specific details in submissions of 13/10/16)	Para 5	
22	AHA	sub-02/03/15	29.1	Ordinary Hours of Work - Full-time employees Amend the averaging arrangements to take into account industry and work environment/ location specific needs.	Page 3	See Item 21
	AHA	sub-09/12/15			Page 1–3	
23	AHA	Sub-13/10/16	29.1	Ordinary Hours of Work - Full-time employees Amend cl 29.1 (a) & (c) - insert ‘accrued day off’ where appropriate to distinguish between a day off in accordance with provision and ‘rostered day off’ as defined; An amendment inserting ‘ordinary hourly rate’ within cl 29.1 (c)(vi) clarifying payment for an ‘accrued day off’; and The insertion of note within cls 29.1 (c) and (d) to clarify that payment of wages under these arrangements is clarified in cl 26.6.	Para 21	Outstanding – sub-24/11/17 HIGA-PLED cl 15 replicates HIGA 2010 provision in this regard

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		Sub-24/11/17		Continues to press.	Para 5	
24	AHA	Sub-13/10/16	30	Rostering Insert a new clause to state that an employee that does not attend for part of a shift is not entitled to payment for such non-attendance.	Para 4 Para 22	Outstanding – sub-24/11/17 HIGA-PLED cls 15.4 and 15.5 replicate the HIGA 2010 provisions in this regard
		Sub-24/11/17		Continues to press.	Para 5	
25	AHA	sub-02/03/15 Sub-13/10/16	31	Breaks Amend to clarify the concept of shift length versus work performed for the purposes of attracting additional paid breaks.	Page 3 Para 23	Outstanding – sub-24/11/17 HIGA-PLED clause 16.2 (Table 2) sets out breaks
		Sub-24/11/17		Continues to press.	Para 5	
26	AHA	sub-12/11/15	32.1	Penalty rates Seeks to remove reference to “minimum wage rate” and replace with “minimum hourly rate” or “ordinary hourly rate”.	Para 16	Resolved – sub-24/11/17 HIGA-PLED cl 29.2 refers to “ordinary hourly rate” See also Full Bench decision – drafting and technical issues – ordinary hourly rate of pay
		Sub-24/11/17		Resolved.	Para 8	
27	AHA	sub-12/11/15	32.2(a)	Penalty rates – Public holidays Seeks to vary clause to clarify that the minimum four hours payment for permanent	Para 24-27	Outstanding – sub-24/11/17 HIGA-PLED cl 29.4 replicates the HIGA 2010 provision in this

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				employees and two hours payment for casual employees refers to all hours worked during a shift, not only to the hours worked on the day that is a public holiday.		regard
		Sub-24/11/17		Continues to press.	Para 5	
28	AHA	sub-12/11/15	32.2(b)	Public holidays Seeks to vary clause so that an employee and employer can agree to take the one day instead of the public holiday outside the 28 day timeframe.	Paras 29-35	Outstanding – sub-24/11/17 HIGA-PLED cl 29.4 replicates the HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	
29	AHA	sub-02/03/15	32.3	Other penalties Amend to clarify the way in which penalty is paid for part hour worked.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED cl 29.2 (Table 11) 16.2 sets out part hour rates
		Sub-24/11/17		Continues to press.	Para 5	
30	AHA	sub-02/03/15	33	Overtime Introduce time in lieu arrangements where overtime is performed.	Page 3	Withdrawn – sub-24/11/17
		Sub-24/11/17		Withdrawn.	Para 9	

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31	AHA	sub-12/11/15 Sub-13/10/16	33.3	Overtime Seeks to remove references to “normal rate of pay” and replace with “ordinary hourly rate”.	Para 16 Para 25	Resolved – sub-24/11/17 HIGA-PLED cl 28.4 refers to “ordinary hourly rate”
		Sub-24/11/17		Resolved.	Para 8	
32	AHA	sub-02/03/15	33.3	Overtime rates Amend to reflect term ‘ordinary rate of pay’ defined at cl 3.	Page 3	Resolved – sub-24/11/17 Note: “ordinary hourly rate” not “ordinary rate of pay is defined at cl 3 of HIGA 2010 HIGA-PLED cl 2 defines “ordinary hourly rate”
		Sub-24/11/17		Resolved.	Para 8	
33	AHA	sub-02/03/15	34	Cashing out Subject to a decision on the Annual Leave Common Issue, the AHA proposes the insertion of a clause to allow employees to request cash out of accrued annual leave.	Page 1	Withdrawn – sub-24/11/17
		Sub-24/11/17		Withdrawn.	Para 9	
34	AHA	Sub-13/10/16	37.1(b)	Public holidays – additional arrangements for full-time employees Insert new para within cl 37.1(b) re employees who perform their ordinary hours of work between Monday and Friday.	Para 9	Outstanding – sub-24/11/17 HIGA-PLED cl 29.4 replicates HIGA 2010 provision in this regard

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		Sub-24/11/17		Continues to press.	Para 5	
35	AHA	sub-02/03/15	38	Deductions Sought provision to make deductions in circumstances of employee negligence.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED cl 35 replicates the HIGA 2010 provision in this regard
		Sub-13/10/16		Continues to press.	Para 5	
		Sub-24/11/17				
36	AHA	sub-02/03/15	39.2	Deduction for accommodation Restructure table to accurately reflect the types of accommodation provided and appropriate deduction amounts.	Page 3	Withdrawn - sub-13/10/16 , Sub-24/11/17
37	AHA	sub-02/03/15	Schedule D	Classifications Amend to insert the relevant wage level in brackets after each classification.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED Schedule A replicates the HIGA 2010 provision in this regard
		Sub-13/10/16		Continues to press.	Para 26	
		Sub-24/11/17			Para 5	
38	AHA	Sub-13/10/16	D.2.1	Classifications Insertion of an additional duty within Food and Beverage Attendant Grade 2 classification.	Para 12	Outstanding – sub-24/11/17 HIGA-PLED Schedule A replicates the HIGA 2010 provision in this regard
		Sub-24/11/17		Continues to press.	Para 5	

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39	AHA	sub-02/03/15	D.2.3	Classifications Clarify the duties of Front Office Grade 1 and a Clerical Grade 3 employee can undertake.	Page 3	Outstanding – sub-24/11/17 HIGA-PLED Schedule A clarifies HIGA 2010 provision
		Corro-07/03/16		Continues to press.	Para 5	
40	AHA	sub-13/10/16	D.2.9	Classifications Delete D.2.9 from the Award. Should this variation have effect cls 20.2, 21.1(e) and 27.2 would be redundant.	Para 4	Withdrawn – sub-24/11/17 , Sub-24/11/17
		Sub-24/11/17		Withdrawn.	Para 9	

Restaurant & Catering Industrial

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
41	RCI	sub-02/03/15	1	Title Amend title of Award to “ <i>Hotels, Accommodation and Casinos Award XXXX</i> ”.	Para 5	Outstanding HIGA-PLED title replicates the HIGA 2010 provision
		sub-12/10/16		RCI’s claim coincides with Clubs Australia Industrial’s claim (AM2017/39) seeking to	Page 6	
		sub-24/11/17			Para 4	

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				<p>incorporate Registered and Licensed Clubs Award into Hospitality Award to become the <i>Hospitality Industry and Clubs Award</i>.</p> <p>RCI agrees with similarities between the two awards as stated at para 6 of CAI application.</p> <p>This supports previous RCI submission that the hotel accommodation and casino functions have very little in common with catering services, which are more closely aligned with the restaurant and café sector.</p>		
42	RCI	sub-02/03/15 sub-12/10/16	4.1(g)	<p>Coverage</p> <p>Delete 4.1(g) and replace it with “caterers covered by the Restaurant, Cafe and Catering Industry Award”.</p>	<p>Para 6</p> <p>Para 7</p>	<p>Outstanding</p> <p>HIGA-PLED cl 4.4(d)(vi) amended to state “catering services provided by a restaurant as an incidental business</p>
43	RCI	sub-02/03/15 sub-12/10/16 sub-24/11/17	4.2	<p>Coverage</p> <p>Delete word “caterers” from cl 4.2.</p> <p>Claim seeking to remove the term “caterers” is in line with proposal to amend title (item 41). Currently coverage clauses in Restaurant Award and Hospitality Award have some overlap which results in uncertainty and confusion. It would greatly assist employers to comply with their award obligation if</p>	<p>Para 7</p> <p>Paras 5-7</p>	<p>Outstanding</p> <p>HIGA-PLED cl 4 replicates HIGA 2010 provision</p>

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				<p>uncertainties were removed.</p> <p>Issues of uncertainty in coverage of the two awards were raised by FWO at commencement of award stage review in 2014.</p> <p>RCI notes that FWO raised matters precipitated by its direct interactions with employers and employees in the relevant industries (see FWO tables in RCI sub-24/11/17).</p>		
44	RCI	sub-04/12/14	32	<p>Penalty Rates</p> <p>Seeks a reduction in penalty rates for Sunday work and late night penalties.</p>	Para 6 and 7	Referred to Penalty Rates Full Bench AM2014/305

United Voice

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
45	UV	sub-02/03/15	13.2	<p>Casual Employees</p> <p>Seek variations to ensure casual employees receive overtime when they work in excess of their rostered hours, have a right to a roster and a 4 hour minimum engagement.</p>	Pages 2 and 3	<p>Resolved</p> <p>Minimum engagement for casuals determined in matters AM2014/196 and AM2014/186. See [2017] FWC FB 3541 at para</p>

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		sub-06/10/16		Amend the minimum engagement for casual employees to 3 hour minimum engagement.	Paras 8, 10-13	[408]. UV claim for minimum engagement rejected at para [552].
		Sub-24/11/17		Continue to pursue minimum engagement period of 3 hours for casual employees.	Page 1	Minimum engagement for casuals to remain at 2 hours. HIGA-PLED cl 11.3 replicates the HIGA 2010 provision in this regard. Overtime for casuals: see item 55. Right to roster for casual employees: see item 54.
46	UV	sub-02/03/15	21.1(b)	Clothing, Equipment and Tools Allowance Tool allowance needs to be increased to align with other awards equivalent allowance rate.	Page 2	Outstanding HIGA-PLED cl 26.5 replicates HIGA 2010 provision in this regard
		Sub-24/11/17		Continue to pursue increase of the tool allowance.	Page 1	
47	UV	sub-06/10/16	21.1(b)(i)	Clothing, equipment and tools allowance Seek to add the words “or apprentice cook” after “Where a cook”.	Annexure A	Outstanding HIGA-PLED cl 26.5(a) replicates the HIGA 2010 provision in this regard
		Sub-24/11/17		Continue to pursue tool allowance for apprentice cooks.	Page 1	

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48	UV	sub-02/03/15	27	Annualised Salaries Insert clause where salary arrangements must pass a 'better off overall test', outline employees' ordinary hours and employees under these arrangements cannot be asked to work unreasonable hours in excess of their agreed ordinary hours.	Page 2	Referred to Annualised Salaries Full Bench - AM2016/13
50	UV	sub-13/11/15	27.1	Annualised Salary (other than Managerial) Seeks to vary clause so it is clear that a reconciliation can take place between wages that would have been paid under weekly pay for work and actual amount paid under an annualised salary arrangement when the arrangement ends before a year and employee remains employed.	Page 2	Referred to Annualised Salaries Full Bench - AM2016/13
51	UV	sub-02/03/15	27.1(e)	Annualised Salary (other than Managerial) Clause should be expanded to add a provision to clarify that employees have a right to access and make copies of any daily records.	Page 3	Outstanding HIGA-PLED cl 23 replicates the HIGA 2010 provisions in this regard
52	UV	sub-06/10/16	29.1(b)(i)	Hours of Work – Full-time employees Seek to reduce the maximum engagement for permanent employees from 11½ to 10 hours on any one day.	Para 9-11	Resolved Note PR598473 . No change to maximum engagement for full-time employees. UV claim for

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						minimum engagement rejected: see [2017] FWCFB 3541 para [552]. HIGA-PLED – cl 15.1(c)(ii) replicates the HIGA 2010 provision in this regard.
		Sub-24/11/17		Continue to pursue reduction of the maximum shift length for full-time employees to 10 hours	Page 1	Determined in matters AM2014/196 and AM2014/197 . No change to maximum engagement for full-time employees. UV claim for minimum engagement rejected: see [2017] FWCFB 3541 para [552].
53	UV	sub-06/10/16	29.2(a)	Hours of Work – Part-time employees Seek to reduce the maximum engagement for part-time employees from 11½ to 10 hours on any one day.	Para 9-11	Resolved Determined in matters AM2014/196 and AM2014/197 . No change to maximum engagement for part-time employees: UV claim for minimum engagement rejected: see [2017] FWCFB 3541 para [552]. See PR598473 .
		Sub-24/11/17		Continue to pursue reduction of the maximum shift length for part-time employees to 10 hours	Page 1	HIGA-PLED – cl 10.7(b) replicates the HIGA 2010 provision in this regard.

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53A	UV	sub-06/10/16 <i>(added 21/11/17 – at [5] of Annexure A but not mentioned in body of submissions)</i>	29.2(d)	Hours of Work – Part-time employees Seek to reduce the maximum spread of hours where broken shifts are worked from 12 to 10 hours per day.	Para 9-11	Outstanding May be dealt with in Part-time and Casual Full Benches. Does not appear to have been addressed in [2017] FWCFB 3541 .
54	UV	sub-02/03/15	30	Rostering Amend so casuals are provided a roster.	Page 2	Outstanding HIGA-PLED cls 15.4 and 15.5 replicate the HIGA 2010 provisions in this regard
		Sub-24/11/17		Continue to pursue roosting for casuals.	Page 1	
55	UV	sub-02/03/15	33	Casuals-Overtime Amend clause so that casual employees are entitled to overtime when they work in excess of their rostered hours.	Page 2	Referred to Overtime for Casuals Full Bench in AM2017/51 . See Statement [2017] FWCFB 6417
		Sub-24/11/17		Continue to pursue overtime for casuals when they work in excess of their rostered hours.	Page 1	

Fair Work Ombudsman

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56	FWO	corro-02/03/15	32.3	<p>Other penalties</p> <p>Concerns raised over the calculation of evening and night penalties where an employee performs work for part of hours, and whether the penalties are payable in units of whole hours only or whether the penalties are payable on a pro rata basis for part hours worked.</p>	Item 23	<p>Outstanding</p> <p>HIGA-PLED cl 29.4 replicates the HIGA 2010 provision in this regard</p> <p>Refer also to Penalty Rates Full Bench AM2014/305</p>

Accommodation Association of Australia

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57	AAA	sub-04/12/14	32	<p>Penalty Rates</p> <p>Seeks a reduction in penalty rates for Sunday work and late night penalties.</p>	Para 8 and 9	Refer to Penalty Rates Full Bench AM2014/305