

This table is a summary of proposed variations lodged for the *Restaurant Industry Award 2010*. A [Statement](#) was issued on 24 October 2017.

This table has been updated to include submissions received as at 14 November 2017.

## PROPOSED VARIATIONS RAISED BY EACH PARTY

### Restaurant & Catering Industrial

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
1.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	1	<p><b>Title</b></p> <p>Seek to change the title of the Award to the Restaurant, Café and Catering Industry Award to complement the proposed new coverage clause.</p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	Para 5  Paras 17-18	Outstanding  <a href="#">RIA-PLED</a> title replicates the RIA 2010 provision in this regard
2.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	3	<p><b>Definitions</b></p> <p><a href="#">sub-02/03/15</a> - Insert new definition of Restaurant and related businesses in line with new coverage clause.</p> <p><a href="#">sub-12/10/16</a> - Suggest the following replacement:</p> <p><i>“restaurant industry means restaurants, stand-alone or contract caterers, reception centres, night clubs, cafes and roadhouses, and includes any tea room, café, and catering by a restaurant business but does not include a</i></p>	Para 6  Para 19	Outstanding  <a href="#">RIA-PLED</a> clause 2 replicates RIA 2010 provision in this regard

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				<p><i>restaurant operated in or in connection with premises owned or operated by employers covered by any of the following awards:</i>  <b>(a) Hospitality Industry (General) Award 2010</b>  <b>(b) Registered and Licensed Clubs Award 2010; or</b>  <b>(c) Fast Food Industry Award 2010”</b></p> <p><a href="#">sub-02/03/15</a> - Delete definition of appropriate level of training.</p> <p><a href="#">sub-12/10/16</a> - amend “appropriate level of training’ to reflect the classification levels and requirements as determined by the appropriate training and educational bodies, which incorporates any changes made by these training and education bodies from time to time.</p> <p>Suggest the following replacement:  <i>“appropriate level of training means classification levels as prescribed by the Travel, Tourism and Hospitality Industry Reference Committee of the Australian Industry and Skills Committee.”</i></p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>		

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3.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	4	<p><b>Coverage</b></p> <p>Seek to vary the coverage of the award through the inclusion of ‘stand-alone caterers’ and the deletion of clause 4.8 (a).</p> <p><a href="#">sub-12/10/16</a> - Suggest the following replacement:</p> <p><i>“(a) Accommodation services on a contract or fee-for-service basis;”</i></p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	Para 7 Para 20	Outstanding <a href="#">RIA-PLED</a> clause 4 replicates RIA 2010 provision in this regard.
4.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	15.1	<p><b>Junior employees</b></p> <p>Seek the removal of the requirement to pay junior employees at the full adult rate (see clause 20.1) for liquor service.</p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	Para 8 Para 21	Outstanding <a href="#">RIA-PLED</a> clause 13.5 replicates the RIA 2010 provision in this regard.
5.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	20 and Schedule B	<p><b>Classification structure and wage levels</b></p> <p>Seek to reduce classification structure to four levels and amend classification structure definitions accordingly.</p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	Para 9 Para 22	Outstanding <a href="#">RIA-PLED</a> clause 18.1 and Schedule A replicate the RIA 2010 provisions.

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6.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	27	<p><b>Payment of wages</b></p> <p>Seek to delete prohibition of payment of wages on Friday, Saturday or Sunday.</p> <p><a href="#">sub-12/10/16</a> - Suggest the following replacement:</p> <p><i>“All wages including overtime and other entitlements may be paid on any day of the week.”</i></p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	Para 10 Para 23	Outstanding <a href="#">RIA-PLED</a> clause 22 replicates the RIA 2010 provision in this regard (see also paras [51]-[52] of <a href="#">[2016] FWCFB 8463</a> )
7.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-07/11/17</a>	28	<p><b>Annualised Salaries</b></p> <p>Seek an alteration to clause 28.1(a) to expressly state annualised salaries include absorption of annual leave loading prescribed in clause 35.2(b).</p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	Para 11	Referred to Annualised Salaries Full Bench - <a href="#">AM2016/13</a>
8.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a>	31	<p><b>Hours of work</b></p> <p>Seek change of clause 31.2 (d) in order to provide relief to operators by varying the minimum break between shifts to 8 hours.</p>	Para 12 Para 24	Withdrawn - <a href="#">sub-12/10/16</a>
9.	RCI	<a href="#">sub-02/03/15</a>	32	<b>Meal Breaks</b>	Para 13	Outstanding

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		<a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>		Seek to vary the meal breaks provision specifically to vary terminology to allow for greater flexibility on the taking of breaks in the workplace and seek the deletion of sub clause 32.3 and 32.4 of the Award.  <a href="#">sub-07/11/17</a> – RCI continues to press its claim.	Para 25	<a href="#">RIA-PLED</a> clauses 16.5 and 16.6 replicate the RIA 2010 provision in this regard.
10.	RCI	<a href="#">sub-02/03/15</a> <a href="#">sub-12/10/16</a> <a href="#">sub-07/11/17</a>	33	<b>Overtime</b>  <a href="#">sub-02/03/15</a> - Seek the removal of the terminology ‘rostered day off’ or ‘RDO’ from clauses 27.3, 31.6(b), 33.2(d), 38.2 and F.1 (d) in order to standardise terminology across the award.  Where required, the RIA should refer to these days as one specified in 31.2(e) (full days off)  <a href="#">sub-12/10/16</a> - Quote para [222] of <a href="#">[2009] AIRCFB 865</a> .  Submits that to avoid any inconsistency within the Award the term ‘rostered day off’ should be amended to mean ‘non-working day’ as current interpretation of RDO is ‘paid day off’.  <a href="#">sub-12/10/16</a> - Suggest the following replacement:	Para 14  Para 26	Outstanding  <a href="#">RIA-PLED</a> equivalent clauses replicate the RIA 2010 provisions in this regard.  NOTE: “rostered day off” definition added at clause 2 of <a href="#">RIA-PLED</a>

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				<p><i>"non-working day"</i></p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>		
11.	RCI	<p><a href="#">sub-02/03/15</a></p> <p><a href="#">sub-12/10/16</a></p> <p><a href="#">sub-07/11/17</a></p>	New clause	<p><b>Deductions for Accommodation and Meals</b></p> <p>Seek to include a new clause for deductions to be made for employers providing accommodation and meals to employees.</p> <p><a href="#">sub-07/11/17</a> – RCI continues to press its claim.</p>	<p>Para 15</p> <p>Para 27</p>	<p>Outstanding</p> <p><a href="#">RIA-PLED</a> replicates the RIA 2010 provisions</p>

**United Voice:**

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12.	UV	<p><a href="#">sub-02/03/15</a></p> <p><a href="#">sub-03/11/17</a></p>	13.2	<p><b>Casual Employees</b></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 <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a>. See <a href="#">[2017] FWCFB 3541</a> at para [408]. UV claim for minimum engagement rejected at para [552].</p>
	UV	<a href="#">Sub-06/10/16</a>		<p><b>Casual Employees</b></p> <p>Amend the minimum engagement for casual</p>	Paras 8, 10-13	

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		<a href="#">sub-03/11/17</a>		employees to 3 hour minimum engagement. <a href="#">sub-03/11/17</a> – UV continues to press its claim.		Minimum engagement for casuals to remain at 2 hours. <a href="#">RIA-PLED</a> – clause 11.3 replicates the RIA 2010 provision in this regard. Overtime for casuals referred to Overtime for Casuals Full Bench in <a href="#">AM2017/51</a> . See Statement [ <a href="#">2017</a> ] <a href="#">FWCFB 6417</a>
13.	UV	<a href="#">Sub-06/10/16</a> <a href="#">sub-03/11/17</a>	24.3(a)	<b>Clothing, equipment and tools allowance</b> Seek to add the words “cook or” before “an apprentice cook”. <a href="#">sub-03/11/17</a> – UV continues to press its claim.	Annexure B	Outstanding <a href="#">RIA-PLED</a> clause 24.4(a) replicates the RIA 2010 provision in this regard.
14.	UV	<a href="#">sub-13/11/2015</a> <a href="#">sub-03/11/17</a>	28	<b>Annualised salary arrangements</b> Seeks to vary clause so it is clear that reconciliation can take place between wages that would have been paid under weekly pay for work and actual amount paid under annualised salary arrangement when the arrangement ends before a year and employee remains employed.		Referred to Annualised Salaries Full Bench - <a href="#">AM2016/13</a>

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15.	UV	<a href="#">Sub-06-10/16</a> <a href="#">sub-03/11/17</a>	31.2(a)	<p><b>Hours of Work</b></p> <p>Seeks to reduce the maximum engagement for permanent employees from 11½ to 10 hours on any one day or continuous shift.</p> <p><a href="#">sub-03/11/17</a> – UV continues to press its claim.</p>	Para 9	<p>Resolved</p> <p>Note <a href="#">PR598473</a>. No change to maximum engagement for full-time or part-time employees. UV claim for minimum engagement rejected: see <a href="#">[2017] FWCFB 3541</a> para [552].</p> <p><a href="#">RIA-PLED</a> – clause 15.1(b) replicates the RIA 2010 provision in this regard.</p> <p>No reference to ‘permanent’ employees.</p>

**Fair Work Ombudsman:**

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
16.	FWO	<a href="#">corro-02/03/15</a>	15.1	<p><b>Junior employees</b></p> <p>Inquiries have been received regarding the definition of “liquor service employee”.</p>	Item 30	<a href="#">RIA-PLED</a> clause 2 contains a definition of “liquor service employee”
17.	FWO	<a href="#">corro-02/03/15</a>	38.2	<p><b>Rostered Day Off</b></p>	Page 10	Definition of “rostered day off”



				Inquiries received regarding the meaning of the term ‘rostered day off’ as this is not a defined term. Given it is undefined, this has implications when the term is used in clauses 27.3 (payment of wages), 33.2(d) (overtime rates) and item F.1(d) of Schedule F (part-day public holidays).		added at clause 2 of <a href="#">RIA-PLED</a>
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**Business SA:**

ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF ISSUE	THEIR REF	NOTES
18.	BSA	<a href="#">sub-02/03/15</a> <a href="#">sub-29/09/16</a>	31.2(a)	<p><b>Minimum Employment Period</b></p> <p>Clause should be varied to clarify minimum of six hours work applies only to full time employees.</p> <p><a href="#">sub-29/09/16</a> – Submits that inconsistency re minimum engagement periods is an issue to be dealt with by exposure draft. Will pursue if consistency remains.</p>	Page 10	<a href="#">RIA-PLED</a> – clause 15.1(a) refers to full-time employees