



DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2019–20
(C2020/1)

RESTAURANT INDUSTRY AWARD 2020
[MA000119]

Restaurants

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
MR FERGUSON
PROFESSOR WOODEN
MS LABINE-ROMAIN

MELBOURNE, XX JUNE 2020

Annual Wage Review 2019–20.

A. Further to the decision issued by the majority of the Expert Panel in the Annual Wage Review 2019–20 on 19 June 2020 [[2020] FWCFB 3500], the above award is varied as follows:

1. By deleting the table appearing in clause 18.1(b) and inserting the following:

Column 1 Employee classification	Column 2 Employee stream and grade	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		\$	\$
Introductory level		753.80	19.84
Level 1	Food and beverage attendant grade 1 Kitchen attendant grade 1	775.40	20.41
Level 2	Food and beverage attendant grade 2 Cook grade 1 Kitchen attendant grade 2	805.10	21.19

Column 1 Employee classification	Column 2 Employee stream and grade	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		\$	\$
	Clerical grade 1 Storeperson grade 1 Door person/security officer grade 1		
Level 3	Food and beverage attendant grade 3 Cook grade 2 Kitchen attendant grade 3 Clerical grade 2 Storeperson grade 2 Timekeeper/security officer grade 2 Handyperson	832.80	21.92
Level 4	Food and beverage attendant grade 4 (tradesperson) Cook grade 3 (tradesperson) Clerical grade 3 Storeperson grade 3	877.60	23.09
Level 5	Food and beverage supervisor Cook grade 4 (tradesperson) Clerical supervisor	932.60	24.54
Level 6	Cook grade 5 (tradesperson)	957.60	25.20

2. By deleting the table appearing in clause 18.3(a)(ii) and inserting the following:

Column 1 Year of apprenticeship	Column 2 % of the standard rate	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		\$	\$
1st year	55	482.68	12.70
2nd year	65	570.44	15.01
3rd year	80	702.08	18.48
4th year	95	833.72	21.94

3. By deleting the year “2019” in clause 18.7(b) and inserting “2020”.
4. By deleting the amount "\$4.31" appearing in clause 21.3(b) and inserting "\$4.39".

5. By deleting the example appearing in clause 24.2(c) and inserting the following:

Column 1 Time of ordinary hours worked	Column 2 Full-time and part-time employees	Column 3 Casual employees – Introductory to Level 2	Column 4 Casual employees – Level 3 to Level 6
	% of minimum hourly rate	% of minimum hourly rate (inclusive of casual loading)	% of minimum hourly rate (inclusive of casual loading)
Monday to Friday – 6.00 am to 10.00 pm	100%	125%	125%
Monday to Friday – 10.00 pm to midnight	100% plus \$2.31 per hour or part of an hour	125% plus \$2.31 per hour or part of an hour	125% plus \$2.31 per hour or part of an hour
Monday to Friday – midnight to 6.00 am	100% plus \$3.46 per hour or part of an hour	125% plus \$3.46 per hour or part of an hour	125% plus \$3.46 per hour or part of an hour
Saturday	125%	150%	150%
Sunday	150%	150%	175%
Public holiday	225%	250%	250%

6. By deleting the table appearing in clause B.1.1 and inserting the following:

	Ordinary hours¹	Saturday	Sunday	Public holiday	Public holiday²
	% of minimum hourly rate				
	100%	125%	150%	225%	125%
	\$	\$	\$	\$	\$
Introductory level	19.84	24.80	29.76	44.64	24.80
Level 1	20.41	25.51	30.62	45.92	25.51
Level 2	21.19	26.49	31.79	47.68	26.49
Level 3	21.92	27.40	32.88	49.32	27.40
Level 4	23.09	28.86	34.64	51.95	28.86
Level 5	24.54	30.68	36.81	55.22	30.68
Level 6	25.20	31.50	37.80	56.70	31.50

7. By deleting the table appearing in clause B.1.2 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of minimum hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
Introductory level	29.76	39.68	34.72	39.68	39.68	39.68
Level 1	30.62	40.82	35.72	40.82	40.82	40.82
Level 2	31.79	42.38	37.08	42.38	42.38	42.38
Level 3	32.88	43.84	38.36	43.84	43.84	43.84
Level 4	34.64	46.18	40.41	46.18	46.18	46.18
Level 5	36.81	49.08	42.95	49.08	49.08	49.08
Level 6	37.80	50.40	44.10	50.40	50.40	50.40

8. By deleting the table appearing in clause B.1.3 and inserting the following:

	Ordinary hours ¹	Saturday	Sunday – Introductor y to Level 2	Sunday – Level 3 to Level 6	Public holiday
	% of minimum hourly rate				
	125%	150%	150%	175%	250%
	\$	\$	\$	\$	\$
Introductory level	24.80	29.76	29.76		49.60
Level 1	25.51	30.62	30.62		51.03
Level 2	26.49	31.79	31.79		52.98
Level 3	27.40	32.88		38.36	54.80
Level 4	28.86	34.64		40.41	57.73
Level 5	30.68	36.81		42.95	61.35
Level 6	31.50	37.80		44.10	63.00

9. By deleting the table appearing in clause B.1.4 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		

	% of minimum hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
Introductory level	29.76	39.68	34.72	39.68	39.68	39.68
Level 1	30.62	40.82	35.72	40.82	40.82	40.82
Level 2	31.79	42.38	37.08	42.38	42.38	42.38
Level 3	32.88	43.84	38.36	43.84	43.84	43.84
Level 4	34.64	46.18	40.41	46.18	46.18	46.18
Level 5	36.81	49.08	42.95	49.08	49.08	49.08
Level 6	37.80	50.40	44.10	50.40	50.40	50.40

10. By deleting the table appearing in clause B.2.1 and inserting the following:

	Ordinary hours¹	Saturday	Sunday	Public holiday	Public holiday²
	% of junior hourly rate				
	100%	125%	150%	225%	125%
	\$	\$	\$	\$	\$
Introductory Level					
16 years of age and under	9.92	12.40	14.88	22.32	12.40
17 years of age	11.90	14.88	17.85	26.78	14.88
18 years of age	13.89	17.36	20.84	31.25	17.36
19 years of age	16.86	21.08	25.29	37.94	21.08
20 years of age	19.84	24.80	29.76	44.64	24.80
Level 1					
16 years of age and under	10.20	12.75	15.30	22.95	12.75
17 years of age	12.24	15.30	18.36	27.54	15.30
18 years of age	14.28	17.85	21.42	32.13	17.85
19 years of age	17.34	21.68	26.01	39.02	21.68
20 years of age	20.41	25.51	30.62	45.92	25.51
Level 2					
16 years of age and under	10.59	13.24	15.89	23.83	13.24
17 years of age	12.71	15.89	19.07	28.60	15.89
18 years of age	14.83	18.54	22.25	33.37	18.54
19 years of age	18.01	22.51	27.02	40.52	22.51

	Ordinary hours ¹	Saturday	Sunday	Public holiday	Public holiday ²
	% of junior hourly rate				
	100%	125%	150%	225%	125%
	\$	\$	\$	\$	\$
20 years of age	21.19	26.49	31.79	47.68	26.49
Level 3					
18 years of age	15.34	19.18	23.01	34.52	19.18
19 years of age	18.63	23.29	27.95	41.92	23.29
20 years of age	21.92	27.40	32.88	49.32	27.40
Level 4					
18 years of age	16.17	20.21	24.26	36.38	20.21
19 years of age	19.63	24.54	29.45	44.17	24.54
20 years of age	23.09	28.86	34.64	51.95	28.86
Level 5					
18 years of age	17.18	21.48	25.77	38.66	21.48
19 years of age	20.86	26.08	31.29	46.94	26.08
20 years of age	24.54	30.68	36.81	55.22	30.68

11. By deleting the table appearing in clause B.2.2 and inserting the following:

	Monday to Friday		Saturday		Sunday - all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
Introductory Level						
16 years of age and under	14.88	19.84	17.36	19.84	19.84	19.84
17 years of age	17.85	23.80	20.83	23.80	23.80	23.80
18 years of age	20.84	27.78	24.31	27.78	27.78	27.78
19 years of age	25.29	33.72	29.51	33.72	33.72	33.72
20 years of age	29.76	39.68	34.72	39.68	39.68	39.68
Level 1						

	Monday to Friday		Saturday		Sunday - all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
16 years of age and under	15.30	20.40	17.85	20.40	20.40	20.40
17 years of age	18.36	24.48	21.42	24.48	24.48	24.48
18 years of age	21.42	28.56	24.99	28.56	28.56	28.56
19 years of age	26.01	34.68	30.35	34.68	34.68	34.68
20 years of age	30.62	40.82	35.72	40.82	40.82	40.82
Level 2						
16 years of age and under	15.89	21.18	18.53	21.18	21.18	21.18
17 years of age	19.07	25.42	22.24	25.42	25.42	25.42
18 years of age	22.25	29.66	25.95	29.66	29.66	29.66
19 years of age	27.02	36.02	31.52	36.02	36.02	36.02
20 years of age	31.79	42.38	37.08	42.38	42.38	42.38
Level 3						
18 years of age	23.01	30.68	26.85	30.68	30.68	30.68
19 years of age	27.95	37.26	32.60	37.26	37.26	37.26
20 years of age	32.88	43.84	38.36	43.84	43.84	43.84
Level 4						
18 years of age	24.26	32.34	28.30	32.34	32.34	32.34
19 years of age	29.45	39.26	34.35	39.26	39.26	39.26
20 years of age	34.64	46.18	40.41	46.18	46.18	46.18
Level 5						
18 years of age	25.77	34.36	30.07	34.36	34.36	34.36
19 years of age	31.29	41.72	36.51	41.72	41.72	41.72
20 years of age	36.81	49.08	42.95	49.08	49.08	49.08

12. By deleting the table appearing in clause B.2.3 and inserting the following:

	Ordinary hours¹	Saturday	Sunday – Introductor y to Level 2	Sunday – Level 3 to Level 6	Public holiday
	% of junior hourly rate				
	125%	150%	150%	175%	250%
	\$	\$	\$	\$	\$
Introductory Level					
16 years of age and under	12.40	14.88	14.88		24.80
17 years of age	14.88	17.85	17.85		29.75
18 years of age	17.36	20.84	20.84		34.73
19 years of age	21.08	25.29	25.29		42.15
20 years of age	24.80	29.76	29.76		49.60
Level 1					
16 years of age and under	12.75	15.30	15.30		25.50
17 years of age	15.30	18.36	18.36		30.60
18 years of age	17.85	21.42	21.42		35.70
19 years of age	21.68	26.01	26.01		43.35
20 years of age	25.51	30.62	30.62		51.03
Level 2					
16 years of age and under	13.24	15.89	15.89		26.48
17 years of age	15.89	19.07	19.07		31.78
18 years of age	18.54	22.25	22.25		37.08
19 years of age	22.51	27.02	27.02		45.03
20 years of age	26.49	31.79	31.79		52.98
Level 3					
18 years of age	19.18	23.01		26.85	38.35
19 years of age	23.29	27.95		32.60	46.58
20 years of age	27.40	32.88		38.36	54.80
Level 4					
18 years of age	20.21	24.26		28.30	40.43
19 years of age	24.54	29.45		34.35	49.08

	Ordinary hours ¹	Saturday	Sunday – Introductor y to Level 2	Sunday – Level 3 to Level 6	Public holiday
	% of junior hourly rate				
	125%	150%	150%	175%	250%
	\$	\$	\$	\$	\$
20 years of age	28.86	34.64		40.41	57.73
Level 5					
18 years of age	21.48	25.77		30.07	42.95
19 years of age	26.08	31.29		36.51	52.15
20 years of age	30.68	36.81		42.95	61.35

13. By deleting the table appearing in clause B.2.4 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
Introductory Level						
16 years of age and under	14.88	19.84	17.36	19.84	19.84	19.84
17 years of age	17.85	23.80	20.83	23.80	23.80	23.80
18 years of age	20.84	27.78	24.31	27.78	27.78	27.78
19 years of age	25.29	33.72	29.51	33.72	33.72	33.72
20 years of age	29.76	39.68	34.72	39.68	39.68	39.68
Level 1						
16 years of age and under	15.30	20.40	17.85	20.40	20.40	20.40
17 years of age	18.36	24.48	21.42	24.48	24.48	24.48
18 years of age	21.42	28.56	24.99	28.56	28.56	28.56
19 years of age	26.01	34.68	30.35	34.68	34.68	34.68
20 years of age	30.62	40.82	35.72	40.82	40.82	40.82
Level 2						
16 years of age and	15.89	21.18	18.53	21.18	21.18	21.18

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
under						
17 years of age	19.07	25.42	22.24	25.42	25.42	25.42
18 years of age	22.25	29.66	25.95	29.66	29.66	29.66
19 years of age	27.02	36.02	31.52	36.02	36.02	36.02
20 years of age	31.79	42.38	37.08	42.38	42.38	42.38
Level 3						
18 years of age	23.01	30.68	26.85	30.68	30.68	30.68
19 years of age	27.95	37.26	32.60	37.26	37.26	37.26
20 years of age	32.88	43.84	38.36	43.84	43.84	43.84
Level 4						
18 years of age	24.26	32.34	28.30	32.34	32.34	32.34
19 years of age	29.45	39.26	34.35	39.26	39.26	39.26
20 years of age	34.64	46.18	40.41	46.18	46.18	46.18
Level 5						
18 years of age	25.77	34.36	30.07	34.36	34.36	34.36
19 years of age	31.29	41.72	36.51	41.72	41.72	41.72
20 years of age	36.81	49.08	42.95	49.08	49.08	49.08

14. By deleting the table appearing in clause B.3.1 and inserting the following:

	Ordinary hours¹	Saturday	Sunday	Public holiday	Public holiday²
	% of junior apprentice hourly rate				
	100%	125%	150%	225%	125%
	\$	\$	\$	\$	\$
1st year	12.70	15.88	19.05	28.58	15.88
2nd year	15.01	18.76	22.52	33.77	18.76
3rd year	18.48	23.10	27.72	41.58	23.10
4th year - not attained standard of proficiency	21.94	27.43	32.91	49.37	27.43
4th year - attained standard of proficiency	23.09	28.86	34.64	51.95	28.86

15. By deleting the table appearing in clause B.3.2 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior apprentice hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
1st year	19.05	25.40	22.23	25.40	25.40	25.40
2nd year	22.52	30.02	26.27	30.02	30.02	30.02
3rd year	27.72	36.96	32.34	36.96	36.96	36.96
4th year - not attained standard of proficiency	32.91	43.88	38.40	43.88	43.88	43.88
4th year - attained standard of proficiency	34.64	46.18	40.41	46.18	46.18	46.18

16. By deleting the table appearing in clause B.4.2 and inserting the following:

	Ordinary hours¹	Saturday	Sunday	Public holiday	Public holiday²
	% of adult apprentice hourly rate				
	100%	125%	150%	225%	125%
	\$	\$	\$	\$	\$

	Ordinary hours¹	Saturday	Sunday	Public holiday	Public holiday²
	% of adult apprentice hourly rate				
	100%	125%	150%	225%	125%
	\$	\$	\$	\$	\$
1st year	18.48	23.10	27.72	41.58	23.10
2nd year	19.84	24.80	29.76	44.64	24.80
3rd year	19.84	24.80	29.76	44.64	24.80
4th year - not attained standard of proficiency	21.94	27.43	32.91	49.37	27.43
4th year - attained standard of proficiency	23.09	28.86	34.64	51.95	28.86

17. By deleting the table appearing in clause B.4.3 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked₁	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of adult apprentice hourly rate					
	150%	200%	175%	200%	200%	200%
	\$	\$	\$	\$	\$	\$
1st year	27.72	36.96	32.34	36.96	36.96	36.96
2nd year	29.76	39.68	34.72	39.68	39.68	39.68
3rd year	29.76	39.68	34.72	39.68	39.68	39.68
4th year - not attained standard of proficiency	32.91	43.88	38.40	43.88	43.88	43.88
4th year - attained standard of proficiency	34.64	46.18	40.41	46.18	46.18	46.18

18. By deleting the amount “\$862.50” appearing in clause C.1.1 and inserting “\$877.60”.

19. By deleting the table appearing in C.1.1 and inserting the following:

Allowance	Clause	% of standard rate	\$	Payable
Split shift allowance—full-time and part-time employees	21.3(b)	0.5	4.39	per each separate work period of 2 hours or more

20. By deleting the amount “\$22.70” appearing in clause C.3 and inserting “\$23.09”.

21. By deleting the table appearing in C.3 and inserting the following:

Penalty	Clause	% of standard hourly rate	\$	Payable
Monday to Friday—10.00 pm to midnight	24.2(c)	10.0	2.31	per hour or part thereof
Monday to Friday—midnight to 6.00 am	24.2(c)	15.0	3.46	per hour or part thereof

B. This determination comes into operation on 1 February 2021. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 1 February 2021.

PRESIDENT