

From: Marianne Wells [<mailto:Mariannew@restaurantcater.asn.au>]
Sent: Wednesday, 24 August 2016 8:59 AM
To: Chambers - Ross J
Subject: 4 yearly review of modern awards—Group 4 awards - Notice of Listing 24 August 2016

Dear Associate,

We refer to the Amended Notice of Listing, and the mention listed at 1pm on 24 August 2016 in respect of the Group 4 Awards.

Restaurant & Catering Industrial confirm its intention to pursue the claims, seeking amendments to the *Restaurant Industry Award 2010*, as outlined in our submissions filed on 2 March 2015 ([attached](#)), save for our claim to seek an amendment to the Annualised Salaries provision in the award. We understand that this matter has been referred to a separate Full Bench as a common matter.

Unfortunately, due to circumstances beyond our control, we will not be able to attend the mention tomorrow. We apologise to the Commission for any inconvenience caused.

We note that R&CI is happy to adhere to any directions made by the Commission in respect of the programming of the Award Stage review matter.

Regards,

Marianne Wells | In-House Counsel – Professional Advisory Services Manager
Restaurant & Catering Industry Association

t 1300 722 878 | f 1300 722 396 | e mariannew@restaurantcater.asn.au

[Restaurant & Catering](#) | [Savour Australia](#) | [Discover Hospitality](#)

Book your next restaurant at Australia's largest online directory www.savouraustralia.com.au

Share your food and wine experiences with the world at [Restaurant Australia](#)

#restcatering #savouraus #restaurantaustralia #savourawards #discoverhospitality



Restaurant
& Catering

**OUTLINE OF SUBMISSIONS
AWARD STAGE
RESTAURANT INDUSTRY AWARD AM2014/284**

2 MARCH 2015

Restaurant & Catering Industrial
ABN: 31 739 604 819
Level 3, 154 Pacific Highway, St Leonards NSW 2065

Restaurant & Catering Industrial

- 1) Restaurant & Catering Industrial is a Registered Organisation under the Fair Work (Registered Organisations) Act 2009 and represents the industrial interests of restaurants, cafes, food and catering businesses across Australia.

About the Industry

- 2) The industry turns over some \$24 Billion per annum and is looking down the barrel of 8+% employment growth in the next twelve months. This growth is on top of a sizeable attrition from the industry due to the large number of casual employees engaged.
- 3) Approximately 63% of the industry earns an average 2% after tax and the overall average is only 4%. It is expected profits will further deteriorate in the short term. The restaurant sector is 58% of the hospitality industry and some 62% of employment in the industry. The average employment per business is 8 employees.

Outline of submissions

- 4) Further to the Directions set out by the President Justice Ross on 23 January 2015 FWC [2015] 618 Restaurant & Catering Industrial provides the following particulars in respect to the claims to be pursued in respect to award changes for the Restaurant Industry Award 2010.

Title (Clause 1)

- 5) Restaurant and Catering Industrial seek to change the title of the Award to the *Restaurant, Café and Catering Industry Award* to compliment the proposed new coverage clause.

6) Definitions (Clause 3)

Insert new definition of Restaurant and related businesses in line with new coverage clause.

Deleting the definition of **appropriate level of training** in clause 3.1.

Coverage (Clause 4)

- 7) Restaurant and Catering Industrial seek to vary the coverage of the award through the inclusion of 'stand-alone caterers' and the deletion of clause 4.8 (a)

Junior employees (Clause 15)

- 8) Restaurant and Catering Industrial are seeking the removal of part of clause 15.1 of the Restaurant Industry Award 2010, specifically the requirement to pay junior employees at the full adult rate for liquor service. This additional remuneration is considered as a restrictive work practice and contrary to the Modern Awards objective.

Classification structure and wage levels (Clause 20 and Schedule B)

- 9) Restaurant and Catering Industrial seek to reduce the classification structure to four levels and amend the classification structure definitions accordingly.

Payment of wages (Clause 27)

- 10) Restaurant & Catering Industrial seek to delete the prohibition of payment of wages on a Friday, Saturday or Sunday as this is a restrictive business practice and contrary to the Modern Awards Objective.

Annualised Salaries (Clause 28)

- 11) Restaurant & Catering Industrial are seeking an alteration to clause 28.1(a) to expressly state annualised salaries include absorption of the annual leave loading prescribed in clause 35.2(b).

Hours of work (Clause 31)

- 12) We shall seek change of Clause 31.2 (d) in order to provide relief to operators by varying the minimum break between shifts to 8 hours.

Meal Breaks (Clause 32)

- 13) Restaurant & Catering Industrial seek to vary the meal breaks provision specifically to vary terminology to allow for greater flexibility on the taking of breaks in the workplace. We shall seek the deletion of sub clause 32.3 and 32.4 of the Award.

Overtime (Clause 33)

- 14) Restaurant & Catering Industrial 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). Removal of this terminology from the award has the effect of standardising the term across the award. Where required, the Restaurant Industry Award should refer to these days as ones specified in 31.2 (e).

15) Deductions for Accommodation and Meals

Restaurant & Catering Industrial are seeking to include a new clause for deductions to be made for employers providing accommodation and meals to employees.