



REPORT

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards (AM2016/15, AM2014/272)

HOSPITALITY INDUSTRY (GENERAL) AWARD 2010 [MA000009]

Retail industry

JUSTICE ROSS, PRESIDENT

MELBOURNE, 28 FEBRUARY 2018

4 yearly review of modern awards – plain language re-drafting – Hospitality Industry (General) Award 2010.

[1] A conference was held on 23 February 2018 to discuss the plain language re-drafting of the *Hospitality Industry (General) Award 2010*. The following parties were in attendance at the conference:

- Australian Business Industrial and the NSW Business Chamber (ABI);
- Australian Hotels Association, the Accommodation Association of Australia and the Motor Inn, Motel and Accommodation Association of Australia (AHA);
- Business SA; and
- United Voice (UV).

[2] A copy of the agenda for the conference is set out in Attachment B to the Statement issued on 22 January 2018.¹ This report sets out the outcome of the conference in respect of each of the agenda items. A transcript of the conference is available on the Commission website.

1. Part-time employment (PTC 1)

Item 12: Resolved.

PTC 1: Clause 10.2(c) to become a standalone clause. Drafter to review clause 10 for consistency of language, particularly the use of ‘employee’ and ‘part time employee’. Agreement to delete clause 10.14.

¹ [2018] FWCFB 449.

2. Casual employment (items 14, 15, 17 and 19, PTC 2)

Items 14 and 15: Resolved.

Item 17: It is proposed that the note be deleted. Parties to comment on this proposal by **4:00pm Friday, 9 March 2018.**

Item 19: To be determined on the basis of the submissions already filed and oral submissions made at the conference.

PTC 2: Resolved, the words ‘minimum hourly rate otherwise applicable under clause 18 – Minimum rates’ deleted and ‘ordinary hourly rate’ inserted instead.

3. Hours of work (items 29 and 30, PTC 3)

Item 29: Resolved – amend clauses 15.1(b)(vi) and 15.3(i) to insert ‘accrued’ before ‘rostered days off’.

Item 30: No further action to be taken.

PTC 3: Resolved.

4. Breaks (items 33, 34 and 35)

To be referred to the plain language expert to reconsider the clause to better reflect the existing award provision.

5. Overtime (items 62, 65 and 110, PTC 4 and 5)

Item 62 and PTC 4: The reasonable overtime issue will be referred to the plain language Full Bench.

Item 65: Resolved.

Item 110: Resolved.

PTC 5: Agreed, clause 28.2(c) should refer to clause 11.5 not 11.6.

PTC 6: Resolved.

PRESIDENT