

This table is a summary of proposed variations lodged for this award – *Hospitality Industry (General) Award 2010*

PROPOSED VARIATIONS RAISED BY EACH PARTY

Australian Hotels 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	Paras 36-37	sub-13/10/16 - withdrawn
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
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’, ‘motel employee’; and ‘liquor service employee’. Sub-13/10/16 – also insert a definition for ‘junior employee’	Page 3 Para 14	HIGA-PLED clause 2 includes new/amended definitions for: Junior employee, liquor service employee

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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	HIGA-PLED definition has been amended to include reference to all purpose allowances
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	Outstanding HIGA-PLED clause 9 replicates HIGA 2010 provision in this regard
6	AHA	sub-02/03/15	13.3	Payment for casuals Amend clause to provide consistency with clause 26—payment of wages.	Page 3	Outstanding HIGA-PLED clause 11.4 replicates HIGA 2010 provision in this regard
7	AHA	sub-02/03/15 Sub-13/10/16	14	Apprentices Introduce competency based pay scale.	Page 3 Para 7	Outstanding HIGA-PLED clause 12 replicates HIGA 2010 provision in this regard
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 HIGA-PLED clause 12 replicates HIGA 2010 provision in this regard

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

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				Gaming classifications.		
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 HIGA-PLED clause 19 replicates HIGA 2010 provision in this regard
14	AHA	Sub-13/10/16	20.4	Minimum wages – Apprentice wages In conjunction with the variation to clause 14, varying the existing clause 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 HIGA-PLED clause 19 replicates HIGA 2010 provision in this regard
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 HIGA-PLED clause 18.4 replicates HIGA 2010 provision in this regard
16	AHA	Sub-13/10/16	20.5(b)	Juniors Delete sub-clause 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	Para 8	Outstanding HIGA-PLED clause 18.4 replicates HIGA 2010 provision in this regard

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
				determining the relevant hourly rate.		
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	sub-7/10/16 - withdrawn
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	sub-7/10/16 - withdrawn
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 HIGA-PLED clause 23 replicates HIGA 2010 provision in this regard
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 HIGA-PLED clause 24.9 replicates HIGA 2010 does not limit the taking of the day to within 28 days.
21	AHA	Sub-13/10/16	29	Ordinary Hours of Work - Full-time and part-time employees Insert additional alternatives within clause 29.1(a) to better reflect the varying patterns of	Para 9	Outstanding HIGA-PLED clause 15 replicates HIGA 2010 provision in this regard

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				work within the Hospitality industry		
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	Outstanding HIGA-PLED clause 26.5(a) replicates the HIGA 2010 provision in this regard
	AHA	sub-09/12/15			Page 1–3	
23	AHA	Sub-13/10/16	29.1	Ordinary Hours of Work - Full-time employees Amendments to clause 29.1 (a) and (c) inserting the words ‘accrued day off’ where appropriate to make the necessary distinction between a day off in accordance with this provision and a ‘rostered day off’ as defined; An amendment inserting ‘ordinary hourly rate’ within sub-clause 29.1 (c)(vi) clarifying the payment for an ‘accrued day off’; and The insertion of a note within clauses 29.1 (c) and (d) that clarifies that payment of wages under these arrangements is clarified in sub-clause 26.6.	Para 21	Outstanding HIGA-PLED clause 15 replicates HIGA 2010 provision in this regard
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	Para 4 Para 22	Outstanding HIGA-PLED clauses 15.4 and 15.5 replicate the HIGA 2010

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				entitled to payment for such non-attendance.		provisions in this regard
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	Resolved HIGA-PLED clause 16.2 (Table 2) sets out breaks
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 HIGA-PLED clause 29.2 refers to “ordinary hourly rate” See also Full Bench decision – drafting and technical issues – ordinary hourly rate of pay
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 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.	Para 24-27	Outstanding HIGA-PLED clause 29.4 replicates the HIGA 2010 provision in this regard
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		Outstanding HIGA-PLED clause 29.4 replicates the HIGA 2010 provision in this regard

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
				timeframe.		
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	Resolved HIGA-PLED clause 29.2 (Table 11) 16.2 sets out part hour rates
30	AHA	sub-02/03/15	33	Overtime Introduce time in lieu arrangements where overtime is performed.	Page 3	Dealt with in AM2014/300 – Award flexibility
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 HIGA-PLED clause 28.4 refers to “ordinary hourly rate”
32	AHA	sub-02/03/15	33.3	Overtime rates Amend to reflect term ‘ordinary rate of pay’ defined at clause 3.	Page 3	Note: “ordinary hourly rate” not “ordinary rate of pay is defined at clause 3 of HIGA 2010 HIGA-PLED clause 2 defines “ordinary hourly rate”
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	Dealt with in Annual Leave Full Bench AM2014/47

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34	AHA	Sub-13/10/16	37.1(b)	Public holidays – additional arrangements for full-time employees Insertion of a new sub-clause within clause 37.1(b) with respect to employees who perform their ordinary hours of work between Monday and Friday.	Para 9	Outstanding HIGA-PLED clause 29.4 replicates HIGA 2010 provision in this regard
35	AHA	sub-02/03/15 Sub-13/10/16	38	Deductions Sought provision to make deductions in circumstances of employee negligence.	Page 3	Outstanding HIGA-PLED clause 35 replicates the HIGA 2010 provision in this regard
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	sub-13/10/16 - withdrawn
37	AHA	sub-02/03/15 Sub-13/10/16	Schedule D	Classifications Amend to insert the relevant wage level in brackets after each classification.	Page 3 Para 26	Outstanding HIGA-PLED Schedule A replicates the HIGA 2010 provision in this regard
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 HIGA-PLED Schedule A replicates the HIGA 2010 provision in this regard

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39	AHA	sub-02/03/15 Corro-07/03/16	D.2.3	Classifications Clarify the duties of Front Office Grade 1 and a Clerical Grade 3 employee can undertake.	Page 3	HIGA-PLED Schedule A clarifies HIGA 2010 provision
40	AHA	sub-13/10/16	D.2.9	Classifications Delete D.2.9 from the Award. Should this variation have effect clauses 20.2, 21.1(e) and 27.2 would be redundant.	Para 4	Outstanding HIGA-PLED Schedule A replicates the HIGA 2010 provision in this regard

Restaurant & Catering Industrial

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REF	NOTES
41	RCI	sub-02/03/15 sub-12/10/16	1	Title Amend title of Award to Hotels, Accommodation and Casinos Award.	Para 5 Page 6	Outstanding HIGA-PLED title replicates the HIGA 2010 provision
42	RCI	sub-02/03/15 sub-12/10/16	4.1(g)	Coverage Delete 4.1(g) and replace it with “caterers covered by the Restaurant, Cafe and Catering Industry Award”.	Para 6 Para 7	Outstanding HIGA-PLED clause 4.4(d)(vi) amended to state “catering services provided by a restaurant as an incidental business

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43	RCI	sub-02/03/15	4.2	Coverage Delete word “caterers” from clause 4.2.	Para 7	Outstanding HIGA-PLED clause 4 replicates HIGA 2010 provision in this regard
44	RCI	sub-04/12/14	32	Penalty Rates Seeks a reduction in penalty rates for Sunday work and late night penalties.	Para 6 and 7	Refer 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	Casual Employees 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.	Pages 2 and 3	May be affected by Casual Full - Bench AM2014/197
	UV	Sub-06/10/16		Casual Employees Amend the minimum engagement for casual employees to 3 hour minimum engagement.	Paras 8, 10-13	Request that the issue be referred to Casual Full Bench AM2014/197 HIGA-PLED clause 11.3

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						replicates the HIGA 2010 provision in this regard
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 clause 26.5 replicates HIGA 2010 provision in this regard
47	UV	Sub-06/10/16	21.1(b)(i)	Clothing, equipment and tools allowance Seek to add the words “apprentice cook” after “cook or”.	Annexure A	Outstanding HIGA-PLED clause 26.5(a) replicates the HIGA 2010 provision in this regard
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	Page 2	Referred to Annualised Salaries Full Bench - AM2016/13

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				arrangement ends before a year and employee remains employed.		
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 clause 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 amend the maximum engagement for permanent employees to 10 hours.	Para 9-11	Request that the issue be referred to Part-time and Casual Full Benches AM2014/196 and AM2014/197 HIGA-PLED – clause 15.1(c)(ii) replicates the HIGA 2010 provision in this regard
53	UV	Sub-06/10/16	29.2(a)	Hours of Work – Part-time employees Seek to amend the maximum engagement for part-time employees to 10 hours.	Para 9-11	Request that the issue be referred to Part-time and Casual Full Benches AM2014/196 and AM2014/197 HIGA-PLED – clause 15.1(c)(ii) replicates the HIGA 2010 provision in this regard
54	UV	sub-02/03/15	30	Rostering Amend so casuals are provided a roster.	Page 2	Outstanding HIGA-PLED clauses 15.4 and 15.5 replicate the HIGA 2010

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						provisions in this regard
55	UV	sub-02/03/15	33	<p>Casuals-Overtime</p> <p>Amend clause so that casual employees are entitled to overtime when they work in excess of their rostered hours.</p>	Page 2	<p>Referred to Part-time and Casuals Full Bench in AM2014/196 and AM2014/197</p>

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-LED clause 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	Penalty Rates Seeks a reduction in penalty rates for Sunday work and late night penalties.	Para 8 and 9	Refer to Penalty Rates Full Bench AM2014/305