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FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

s.157 – FWC may vary modern award if necessary, to achieve modern awards objective

Award flexibility – Hospitality and Retail Sectors

(AM2020/103)

Registered and Licensed Clubs Award 2010

[MA000058]

Registered and licensed clubs industry

JUSTICE ROSS, PRESIDENT

MELBOURNE, XX YYY 2021

Variation to the Registered and Licensed Clubs Award 2020.

[A] Further to the decision [[2021] FWCFB XX] issued by the Full Bench on XX XXX 2021, the above award is varied as follows:

1. By making the following amendments to clause 18.4 and 18.5

Non-application of particular provisions of this award to employees within particular classifications receiving specified salaries

Managerial classifications—levels 6–13 inclusive in clause 18.3

Subject to the requirements of the NES, the provisions of clauses:

15—Ordinary hours of work (other than clause 15.8—Special provisions for accrued rostered days off—club managers);

17.2—Meal breaks;

18.11—Higher duties;

19.2(c)—Broken periods of work allowance;

22—Overtime;

23—Recall to duty—club managers; and

24—Penalty rates (other than penalty rate provisions relating to public holidays (see clause 24—Penalty rates));

will not apply to ~~a club manager~~ any managerial classification role level 6 to 13 inclusive as set out in clause 18.3 receiving a salary of 20% in excess of the minimum annual rates for the appropriate classification prescribed in Schedule A—Classification Definitions.

Subject to the requirements of the NES, the provisions of clauses:

15—Ordinary hours of work;

17.2—Meal breaks;

18.11—Higher duties;

19.2(c)—Broken periods of work allowance;

19.3(b)—Meal allowance—club managers;

19.3(d)—Uniforms—club managers;

19.3(e)—Vehicle allowance;

22—Overtime;

23—Recall to duty—club managers;

24—Penalty rates; and

31.4—Additional arrangements for full-time employees

will not apply to ~~a club managers~~ any managerial classification role level 6 to 13 inclusive as set out in clause 18.3 receiving a salary in excess of 50% above the minimum annual rate for the appropriate classification prescribed in Schedule A—Classification Definitions.

To avoid doubt, where ~~a club manager~~ any managerial classification role level 6 to 13 inclusive as set out in clause 18.3 is not paid in accordance with either clause 18.4(a)(i) or clause 18.4(a)(ii) above, the club manager will be entitled to the benefits of all relevant provisions of this Award.

[2] The determination shall operate on and from XX YYY 2021.

BY THE COMMISSION

