

From: Sean D'Almada-Remedios <Legal@aha.org.au>
Sent: Wednesday, 10 August 2022 9:59 AM
To: Chambers - Bissett C <Chambers.Bissett.c@fwc.gov.au>
Cc: ashvini.ambihapahar@ahansw.com.au; Sean D'Almada-Remedios <Sean.Remedios@ahansw.com.au>; Ben Redford <Ben.Redford@unitedworkers.org.au>; AMOD <AMOD@fwc.gov.au>
Subject: Application by Australian Hotels Association [AM2021/73]

Dear Associate

We refer to the matter above and the statement of Commissioner Bissett dated 26 July 2022 (**Statement**).

1. We note that the statement:
 - a. Attached BOOT analysis undertaken by the FWC (**FWC BOOT Analysis**); and
 - b. Invited interested parties to submit preliminary views as to any required recalibration of the loaded rate percentages.
2. The Australian Hotels Association (**AHA**) provides the following preliminary view on the matter.
3. The FWC BOOT Analysis identifies only one scenario in which an employee would be disadvantaged, being that of a Level 3 employee on the 40 Hour, Monday to Friday Loaded Arrangement (110.20%). In this instance the FWC BOOT Analysis identifies that the employee would be disadvantaged by \$0.06 per week.
4. The AHA submits that this scenario represents an outlying example of an indicative pattern of work. Notwithstanding the AHA also acknowledges that the loaded rates arrangement in Schedule L should not operate to the disadvantage of employees.
5. Accordingly, to alleviate the risk identified in the FWC BOOT Analysis, which is limited to level 3 employees on one particular working arrangement, the AHA submits that if the FWC considers an increase necessary, such an increase should be to the Level 3, 40 Hour, Monday to Friday rate only, and be an increase of 110.20% to 110.30%.
6. If this increase were to occur, from the first full pay period on or after 1 October 2022 the rate would increase from \$25.92 per hour to \$25.94 per hour. Over a 40 hour week, this would result in a weekly wage of \$1,037.60.
7. With reference to the FWC BOOT Analysis and the indicative scenario, the BOOT result would be altered to advantage the employee to \$0.74 per week.

For the purpose of the scheduled conference of the matter at 10:00 am on Tuesday, 16 August 2022, we confirm that Ashvini Ambihaipahar (who is copied into this email) will appear on behalf of the AHA.

Regards

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