

SUMMARY OF SUBMISSIONS – Restaurant Industry Award 2020

This submission summary document has been prepared by staff of the Fair Work Commission to assist with the Making Awards Easier to Use stream of the Modern Awards Review 2023-24.

Parties have been invited to advance any proposals to make modern awards easier to use while not reducing entitlements for award-covered employees.

This document been prepared to assist parties in consultation 5 dealing with the Restaurant Industry Award 2020.

The summary document does not represent the concluded view of the Commission on any issue.

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Fair Work
Commission

AM2023/21 – Modern Awards Review 2023
Making Awards Easier to Use stream
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Glossary

ABI/BNSW	Australian Business Industrial (ABI) and Business NSW
ACCI	Australian Chamber of Commerce and Industry
ACTU	Australian Council of Trade Unions
AHA	Australian Hotels Association
Ai Group	Australian Industry Group
ARA	Australian Retailers Association
ASU	Australian Services Union
AWCC	Australian Workforce Compliance Council
BCA	Business Council of Australia
CCIWA	Chamber of Commerce and Industry WA
HSU	Health Services Union
MGA	Master Grocers Australia
NECA	National Electrical and Communications Association
NRA	National Retail Association
RAFFWU	Retail and Fast Food Workers Union
SDA	Shop, Distributive and Allied Employees' Association
UWU	United Workers Union

Submissions in reply key

Proposal is agreed

Proposal is
somewhat agreed

Proposal is opposed

Restaurant Industry Award 2020						
Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AWCC	1	1.	5.2(a)(xix) p40	Title and Commencement - Operation of award - AWCC Ambiguity in the language regarding award variations since January 1, 2010.	Proposal Summary: Provide specific details on the nature and extent of variations made since 1 January 2010 for clarity.	N/A
AWCC	2	2.	5.2(a)(iv) p31	Clause 2 - Appropriate level of training - AWCC Unclear definition of "appropriate level of training."	Proposal Summary: Clearly define and specify completion of a relevant training program or assessment by a qualified skills assessor. Proposed Wording: Completion of an Appropriate Training Program: <i>The person must successfully finish a relevant training program. This program should adhere to the training and assessment standards specified for a particular qualification or the necessary units of competency within a training package.</i> Assessment by a Qualified Skills Assessor: <i>Alternatively, if the person hasn't undergone a formal training program, they can still qualify by being assessed by a skilled professional. This assessment should confirm that the individual possesses skills at least equivalent to those acquired through a suitable training program.</i>	N/A
AWCC	2	3.	5.2(a)(ix) p35	Clause 2 - BOOT meaning - AWCC As per clause 20.2, a definition of BOOT should be included to aid clarity.	Proposal Summary: Add definition of Better Off Overall Testing (BOOT) to definitions. See AWCC proposal for clause 20.2 at FWC Ref 39 below.	N/A
AWCC	2	4.	5.2(a)(xxi) p41	Clause 2 - Casual employee definition - AWCC Reference to FW Act definition may create uncertainty.	Proposal Summary: Include definition in award. Proposed Wording: Add wording directly from s 15A of FW Act.	N/A
AWCC	2	5.	5.2(a)(xx) p40	Clause 2 - Clarification of adult apprentice definition - AWCC Lack of clarity in the definition of "adult apprentice."	Proposal Summary: Clarify the types of apprenticeships covered by specifying relevant industries or qualifications for better understanding.	N/A
AWCC	2	6.	5.2(a)(xxii) p42	Clause 2 - Liquor Service Employee - AWCC Lack of clarity on whether it includes employees involved in the sale or service of liquor within a restaurant.	Proposal Summary: Clearly define the scope of duties for a "liquor service employee" to avoid misinterpretation. Proposed Wording: <i>The definition of a Liquor Service Employees means a person employed to sell or dispense liquor in bars, bottle departments or shops and includes a cellar employee. This includes restaurants with a bar within the premises.</i>	N/A

Restaurant Industry Award 2020						
Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AWCC	2	7.	5.2(a)(i) p29	Clause 2 - Reference to Miscellaneous Award - AWCC Incorporation of terms from the Miscellaneous Award 2020 causes confusion.	Proposal Summary: Directly include referenced terms in the Restaurant Industry Award 2020	N/A
AWCC	3.3	8.	5.2(a)(xxii) i) p42	Clause 3.3 - Accessible electronic means definition - AWCC Lack of guidance on what constitutes "accessible electronic means".	Proposal Summary: Define what qualifies as "accessible electronic means" to ensure compliance and understanding. Proposed Wording: <i>3.3 Accessible electronic means is defined as a digital or an online method and resources that are designed and implemented to be easily understood, navigated, and used by individuals, including those with disabilities.</i> <i>3.4 Accessible electronic means may include features like screen readers for the visually impaired, captions for videos to assist those with hearing impairments, keyboard shortcuts for individuals with motor disabilities, and other inclusive design practices.</i>	N/A
AWCC	4.1	9.	5.2(a)(xxi) v) p43	Clause 4.1 - Coverage description clarity - AWCC Lack of clarity on whether it covers all employees within the restaurant industry or only those with specified classifications.	Proposal Summary: Clearly specify the scope of coverage to avoid confusion. Proposed Wording: <i>4.1 This industry award covers:</i> <i>a) Employer Coverage: The industry award applies to employers in the restaurant industry throughout Australia. This includes various establishments such as restaurants, reception centres, nightclubs, cafes, or roadhouses.</i> <i>b) Employee Coverage: Covers employees of the employers mentioned in 4.1(a). Employees covered are those with classifications defined in Schedule A— Classification Structure and Definitions. This implies that specific roles or positions within the restaurant industry are identified and categorised in Schedule A.</i> <i>Note: Clause 4.1 establishes the scope of the industry award, stating that it exclusively covers employers in the restaurant industry and their employees with defined classifications.</i>	N/A
AWCC	4.2	10.	5.2(a) (xxv) p44	Clause 4.2 - Simplification of restaurant industry definition - AWCC Complex definition of the "restaurant industry."	Proposal Summary: Simplify and reorganise the definition for enhanced clarity and readability. Proposed Wording: <i>Under this specific award, the term "restaurant industry" is defined as restaurants, reception centres, nightclubs, cafés, or roadhouses. This definition also includes catering services provided by a restaurant and a tearoom associated with or operated in connection with a restaurant. It's important to understand that this definition excludes restaurants operated in premises owned or operated by an employer covered by specific awards.</i> <i>These specific awards include:</i>	N/A

Restaurant Industry Award 2020						
Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
					<p>(a) Hospitality Industry (General) Award 2020; (b) Registered and Licensed Clubs Award 2020; (c) Fast Food Industry Award 2010.</p> <p>Note: The award's definition of the restaurant industry includes various establishments and related services, but it explicitly excludes restaurants operated in connection with businesses covered by the above listed awards.</p>	
AWCC	4.2	11.	5.2(a)(xxvi) p45	Clause 4.2 - Exclusion list clarification - AWCC Complex exclusion list may require additional clarification.	Proposal Summary: Provide more detailed explanations or examples to clarify the exclusions.	N/A
AWCC	4.3(a)	12.	5.2(a)(xxvii) p45	Clause 4.3(a) - On-hire employees classification definition - AWCC Lack of specificity regarding the types of classifications covered for on-hire employees.	<p>Proposal Summary: Clearly define the classifications of on-hire employees covered by the award.</p> <p>Proposed Wording: <i>On-hire: The term "on-hire" describes a situation where an employer lends or hires out an employee to work for a client. In this arrangement, the employee follows the general guidance and instructions provided by the client or a person representing the client. While on duty, the employee is under the overall direction and supervision of the client.</i></p>	N/A
AWCC	4.3(b)	13.	5.2(a)(xxviii) p46	Clause 4.3(b) - Apprentices or trainees coverage specifics - AWCC Lack of specificity about the types of apprenticeships or traineeships covered.	<p>Proposal Summary: Provide details on the specific types of apprenticeships or traineeships covered.</p> <p>Proposed Wording: <i>(c) Apprentices or traineeships covered in this award include but are not limited to:</i></p> <ol style="list-style-type: none"> 1. Chef Apprenticeship 2. Front of House Traineeship 3. Baker Apprenticeships 4. Barista Traineeship 	N/A
AWCC	5.5	14.	5.2(a)(xxix) p46	Clause 5.5 - Better Off Overall Criteria Definition - AWCC Subjective nature of the "better off overall" criteria.	<p>Proposal Summary: Define criteria or benchmarks to objectively assess whether an employee is better off overall.</p> <p>Proposed Wording: <i>5.5 An agreement must result in the employee being better off overall at the time the agreement is made than if the agreement had not been made.</i></p> <p><i>5.6 An agreement is to individually address each of the following criteria and ensure the corresponding agreement clause provides a benefit to the employee which is equal to, or greater than the modern awards clause at the time of the agreement, and for all changes made to the award there after to the corresponding modern award during the life of the agreement.</i></p> <p>a) Wage rates,</p>	N/A

Restaurant Industry Award 2020						
Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
					<p>b) Penalty Rates and Loadings, c) Work Hours and Rosters, d) Leave entitlements, e) Individual Flexibility Arrangements (IFA), e) Other Conditions not specified above, f) Consultation and approval.</p> <p>Accompanying guidance</p> <ol style="list-style-type: none"> Wage Rates: Compare the proposed wage rates in the agreement to the rates in the Restaurant award. The employee should not be worse off in terms of base pay. Penalty Rates and Loadings: Consider any penalty rates, overtime rates, and other loadings in the agreement compared to those in the Restaurant award. The employee should not be disadvantaged in terms of these additional payments. Work Hours and Rosters: Assess the work hours and roster arrangements under the agreement. The employee should not be worse off in terms of working hours, breaks, or any other relevant conditions compared to the Restaurant award. Leave Entitlements: Examine the leave entitlements provided in the agreement (such as annual leave, personal leave, and public holiday provisions) and compare them to the Restaurant award provisions. The employee should not lose out on leave entitlements. Other Conditions: Consider any other conditions or entitlements in the agreement, such as allowances, superannuation contributions, and any other benefits. The employee should not be worse off overall when compared to the Restaurant award. Individual Flexibility Arrangements (IFA): If individual flexibility arrangements (IFAs) are included in the agreement, assess whether these arrangements provide genuine benefits to the employee without causing overall detriment. Consultation and Approval: Ensure that the enterprise agreement has been developed through a proper process of consultation with employees, and that it has been approved by a valid majority, as listed in the definition, vote in favour of the agreement. 	
AWCC	5.11	15.	5.2(a) (xxx) p48	<p>Clause 5.11 - Simplified termination process - AWCC Complex termination process that may be difficult to enforce.</p>	<p>Proposal Summary: Simplify the termination process and provide clear steps for both parties.</p> <p>Proposed Wording:</p> <p>5.11 An agreement can be terminated in the following ways:</p> <p>(a) Through written agreement between the employer and the employee at any time.</p> <p>(b) By either the employer or the employee providing 13 weeks' written notice to the other party. However, this notice period is reduced to 4 weeks if the agreement was entered into before the first full pay period starting on or after 4 December 2013.</p> <p>Note: If an employer and employee enter into an arrangement that claims to be an individual flexibility arrangement under this award term, and the arrangement doesn't meet a requirement outlined in section 144 of the Act, either the employee or the employer can</p>	N/A

Restaurant Industry Award 2020						
Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
					<i>terminate the arrangement by providing written notice of no more than 28 days (refer to section 145 of the Act).</i>	
AWCC	6	16.	5.2(a) (xxxix) p48	Clause 6 - Dispute resolution process for flexible working arrangements - AWCC Lack of specification on the resolution process for disputes about flexible working arrangements.	Proposal Summary: Clearly outline the process for resolving disputes related to flexible working arrangements. Proposed Wording: Insert s 65B of the FW Act.	N/A
AWCC	7.1	17.	5.2(a)(ii) p30	Clause 7 - Meaning of majority of employees - AWCC Lack of clarity on what constitutes a majority.	Proposal Summary: Define a threshold for a majority in the definition list. Proposed Wording: Definition of Majority: <i>Majority of employees is classed as more than half. For example: when more than half of the employees for an employer agree to a change then the change is therefore agreed too.</i>	N/A
AWCC	7.1	18.	5.2(a) (xxxix) p49	Clause 7.1 - Facilitative provisions definition - AWCC Broad and potentially not immediately understood term "Facilitative provisions."	Proposal Summary: Provide a concise definition or explanation of "Facilitative provisions" for better understanding. Proposed Wording: <i>7.1 This award incorporates facilitative provisions, allowing employers and individual employees, or a majority of employees, to agree on how specific award provisions should be applied in their workplace.</i> <i>Refer Clause 7.2 Table 1 - Facilitative provisions.</i>	N/A
AWCC	7.2	19.	5.2(a) (xxxix) p49-50	Clause 7.2 - Facilitative provisions application clarity - AWCC Lack of context for the facilitative provisions in Table 1, making practical application challenging to understand.	Proposal Summary: Provide additional context or examples to illustrate the application of facilitative provisions in Table 1.	N/A

Restaurant Industry Award 2020

Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply																																												
					<p style="text-align: center;">Proposed Table</p> <table border="1"> <thead> <tr> <th>Clause</th> <th>Provision</th> <th>Agreement between and employer and:</th> <th>Definition</th> </tr> </thead> <tbody> <tr> <td>15.2(a)</td> <td>Make-up time (introductions of system of make-up time)</td> <td>The majority of employees</td> <td>The employer and the majority of employees at a workplace may agree to introduce an arrangement at the workplace under which an employee takes time off during the employee's ordinary hours of work and makes up that time later.</td> </tr> <tr> <td>15.2(b)</td> <td>Make-up time (introductions of system of make-up time)</td> <td>an individual employee</td> <td>If an agreement under clause 15.2(a) has been made for a workplace, an employee may elect, with the consent of the employer, to take time off and make up that time later.</td> </tr> <tr> <td>16.4</td> <td>Agreement as to time of unpaid meal break</td> <td>an individual employee</td> <td>An employer and an employee may agree that an unpaid meal break is to be taken after the first hour of work and within the first 6.5 hours of work (a 'facilitation agreement').</td> </tr> <tr> <td>19.1</td> <td>Payment of wages</td> <td>an individual employee</td> <td>The employer may determine the pay period of an employee as being either weekly or fortnightly. However, the employer and an individual employee may agree to a monthly pay period.</td> </tr> <tr> <td>19.2</td> <td>Payment of wages</td> <td>The majority of employees</td> <td>Except on termination of employment, wages may be paid on any day of the week other than a Friday, Saturday or Sunday. However, if the employer and the majority of employees at a workplace agree, wages may be paid on the Friday of a week during which there is a public holiday.</td> </tr> <tr> <td>23.5</td> <td>Time off instead of payment for overtime</td> <td>an individual employee</td> <td>An employee and employer may agree in writing to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by the employee. The period of time off that an employee is entitled to take is equivalent to the overtime payment that would have been made. EXAMPLE: By making an agreement under clause 23.5 an employee who worked 2 overtime hours at the rate of time and a half is entitled to 3 hours' time off.</td> </tr> <tr> <td>24.4 (d)</td> <td>Alternative payment for work on public holiday</td> <td>an individual employee</td> <td>An employer and employee may agree that, instead of the employee being paid at 225% (as specified in clause 24.2) of the minimum hourly rate of the employee under Table 3—Minimum rates for hours worked on a public holiday, the following arrangements are to apply: the employee is to be paid at 125% of the minimum hourly rate of the employee under Table 3—Minimum rates for hours worked on the public holiday; and an amount of paid time equivalent to the hours worked on the public holiday is to be added to the employee's annual leave or the employee is to be allowed to take a day off during the week in which the public holiday falls or within a period of 28 days after the public holiday.</td> </tr> <tr> <td>25.8</td> <td>Annual leave in advance</td> <td>an individual employee</td> <td>An employer and employee may agree in writing to the employee taking a period of paid annual leave before the employee has accrued an entitlement to the leave.</td> </tr> <tr> <td>25.9 (c)</td> <td>Cashing out of annual leave</td> <td>an individual employee</td> <td>An employer and an employee may agree in writing to the cashing out of a particular amount of accrued paid annual leave by the employee.</td> </tr> <tr> <td>30.2</td> <td>Substitution of public holidays by agreement</td> <td>an individual employee</td> <td>An employer and employee may agree to substitute another day for a day that would otherwise be a public holiday under the NES.</td> </tr> </tbody> </table>	Clause	Provision	Agreement between and employer and:	Definition	15.2(a)	Make-up time (introductions of system of make-up time)	The majority of employees	The employer and the majority of employees at a workplace may agree to introduce an arrangement at the workplace under which an employee takes time off during the employee's ordinary hours of work and makes up that time later.	15.2(b)	Make-up time (introductions of system of make-up time)	an individual employee	If an agreement under clause 15.2(a) has been made for a workplace, an employee may elect, with the consent of the employer, to take time off and make up that time later.	16.4	Agreement as to time of unpaid meal break	an individual employee	An employer and an employee may agree that an unpaid meal break is to be taken after the first hour of work and within the first 6.5 hours of work (a 'facilitation agreement').	19.1	Payment of wages	an individual employee	The employer may determine the pay period of an employee as being either weekly or fortnightly. 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AWCC	8.1 and 8.2	20.	5.2(a) (xxxiv) p50	Clause 8.1 and 8.2 - Expanded types of employment - AWCC Lack of provisions for other types of employment arrangements.	<p>Proposal Summary: Consider expanding the types of employment to include fixed-term contracts, temporary positions, or other emerging employment arrangements.</p> <p>Proposed Wording: 8.1 An Employee covered by this award can be one of the following: (a) A full-time employee; or (b) A part-time employee; or (c) A casual employee; or (d) A fixed-term contract employee; or (e) A temporary contract employee</p>	N/A																																												
AWCC	9	21.	5.2(a) (xxxv) p51	Clause 9 - Daily or hourly limits for full-time employees - AWCC Lack of mention of daily or hourly limits for full-time employees.	<p>Proposal Summary: Include provisions specifying daily or hourly limits for full-time employees to prevent potential exploitation or overworking.</p> <p>Proposed Wording: An employee who is engaged to work an average of 38 ordinary hours per week over a period of no more than 4 weeks is a full-time employee. The minimum number of ordinary hours that may be worked by a full-time employee on any day is 6 (excluding meal breaks); and The maximum number of ordinary hours that may be worked on any day is 11.5 (excluding meal breaks).</p>	N/A																																												

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AWCC	10.1	22.	5.2(a) (xxxvi) p51	Clause 10.1 - Part-time employee classifications - AWCC No clear indication of classifications available for part-time employees.	Proposal Summary: Define and outline the classifications available for part-time employees, ensuring clarity and transparency. Proposed Wording: 10.1 Classifications <i>An employer may employ a part-time employee in any classification that is listed and defined in Schedule A – Classification Structure and Definitions.</i>	N/A
AWCC	10.2	23.	5.2(a) (xxxvii) p52	Clause 10.2 - Part-time employee definition clarity - AWCC Lack of detail about the structure of working hours for part-time employees.	Proposal Summary: Specify whether part-time employees can work flexible hours or if there are specific hours and days during which they should be available. Proposed Wording: <i>(c) Employer and Employee must agree to days and hours to be worked to enable workplace flexibility and employee availability.</i>	N/A
AWCC	10.3	24.	5.2(a)(xx xviii) p52	Clause 10.3 - Proportionate basis for part-time employees - AWCC Lack of guidance on how the proportionate basis for part-time employees should be calculated.	Proposal Summary: Clarify the method for calculating the proportionate entitlements of part-time employees to ensure a fair and consistent application of pay and conditions. Proposed Wording: <i>10.3 A part-time employee is entitled, on a pro rata basis, to the same pay and conditions as those of full-time employees who do the same kind of work.</i>	N/A
AWCC	10.4	25.	5.2(a) (xxxix) p53	Clause 10.4 - Changes to guaranteed hours process - AWCC Lack of detail on how changes to guaranteed hours and availability agreements for part-time employees should be managed or documented.	Proposal Summary: Specify the process for making changes to the guaranteed hours and availability of part-time employees, ensuring that any changes are agreed upon in writing and documented appropriately. Proposed Wording: 10.4 Setting guaranteed hours and availability. At the time of engaging a part-time employee, the employer must agree in writing with the employee on all of the following: a) the number of hours and days fitting with the employee's availability and with the businesses needs of which work is guaranteed to be provided and paid to the employee each week or, where the employer operates a roster, the number of hours and/of work which is guaranteed to be provided and paid to the employee over the roster cycle (the guaranteed hours); and b) the days of the week on which, and the hours on those days during which, the employee is available to work the guaranteed hours (the employee's availability). 10.5 Any change to a part-time employee's guaranteed hours may only be made in writing with the written consent of the employee.	N/A

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply	
AWCC	10.8	26.	5.2(a)(xl) p54	Clause 10.8 - Assessment of increased guaranteed hours requests - AWCC No guidance on how employers should assess or respond to requests for an increase in guaranteed hours by part-time employees.	Proposal Summary: Provide clear criteria and procedures for employers to assess and respond to requests for an increase in guaranteed hours by part-time employees.	N/A	
AWCC	11.1	27.	5.2(a)(xli) p54	Clause 11.1 - Purpose of 25% loading for casual employees - AWCC Lack of clarity on the purpose of the 25% loading for casual employees.	Proposal Summary: Clearly outline the purpose of the 25% loading for casual employees and specify whether it includes compensation for leave entitlements or other benefits. Proposed Wording: <i>11.1 An employer must pay a casual employee for each hour worked a loading of 25% on top of the minimum hourly rate to compensate for not accruing any Annual leave or Sick leave. Casual employees will still accrue Long Service Leave, applicable under clause 17– Minimum rates.</i>	N/A	
AWCC	11.1	28.	5.2(a)(xlii) p54	Clause 11.1 - Predictable or guaranteed hours for casual employees - AWCC No provision for predictable or guaranteed hours for casual employees.	Proposal Summary: Consider including provisions that address the predictability and guarantee of hours for casual employees, offering them more stability in their work arrangements.	N/A	
AWCC	11.2	29.	5.2(a) (xliii) p54	Clause 11.2 - Minimum engagement period for casual employees - AWCC Requirement for a minimum engagement of 2 consecutive hours may not be suitable for all industries or roles.	Proposal Summary: Provide flexibility for employers and casual employees to negotiate and agree on suitable minimum engagement periods based on the nature of the work. Proposed Wording: <i>11.2 The minimum daily engagement of a casual employee is 3 hours based on the nature of the work or role, or 1.5 hours' in the circumstances set out in clause 11.3. The minimum can be negotiated by agreement between the employee and employer in writing providing there is no coercion by the employer and the employee understands the agreement fully. If the employee is under the age of 18, then a parent or guardian must also sign the agreement.</i>	N/A	
AWCC	11.6	30.	5.2(a) (xliv) p55	Clause 11.6 - Offers and requests for casual conversion process - AWCC Lack of detailed process for how offers and requests for casual conversion should be managed.	Proposal Summary: Establish a clear process for both employers and casual employees to initiate and respond to offers and requests for casual conversion, in line with the National Employment Standards. Proposed Wording: Insert clause from NES.	N/A	
AWCC	12.2	31.	5.2(a) (xlv) p55	Clause 12.2 - Apprenticeship Engagement Compliance - AWCC Mentions compliance with law without details on specific laws or regulations governing apprenticeships.	Proposal Summary: Specify the relevant laws or regulations governing apprenticeships to ensure clarity and compliance in the engagement of apprentices.	N/A	

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AWCC	12.7	32.	5.2(a)(xlvi) p55	Clause 12.7 - Training Provisions for Apprentices - AWCC Lack of specificity regarding the release of apprentices for training, reimbursement of fees, and the timeline for reimbursements.	Proposal Summary: Provide detailed guidelines on the release of apprentices for training, reimbursement of fees, and the specific timeline for fulfilling reimbursement obligations, ensuring clarity for both employers and apprentices.	N/A
AWCC	13.3 and 13.4	33.	5.2(a)(vi) p32	Clause 13.3 and 13.4 - Working hours for under 18s - AWCC Unclear working hours for employees under 18.	Proposal Summary: Specify working hours for under 18s and address age-related distinctions. Proposed Wording: <i>13.3 In accordance with clause 13.3, an employee aged 18 and under cannot work more than 10 hrs in a shift. An employee aged 19 yrs of age can work more than 10 hrs but is still classed as a junior and will be paid 85% of the minimum weekly rate.</i> <i>13.4 Where the law permits, junior employees under the age of 18 may work in a bar or other place where liquor is sold or dispensed, but dependant on the state may or may not serve or sell alcohol.</i>	N/A
AWCC	15	34.	5.2(a)(v) p32	Clause 15 - Full-time employee period - AWCC Ambiguity about the start and end of a 4-week period for full-time employees.	Proposal Summary: Clarify the timeframe for a 4-week period for full-time employees. Proposed Wording: <i>An employee who is engaged to work an average of 38 ordinary hours per week over a period of no more than 4 weeks as defined in this award is a full-time employee. A four-week period is defined as being restricted to four consecutive weeks with no unpaid breaks of work except weekends and public holidays (unless rostered on weekends and taking RDOs during the week).</i>	N/A
AWCC	16.5 and 16.6	35.	5.12(a)(vii) p33	Clause 16.5 and 16.6 - Meal break penalty - AWCC Ambiguity on whether the 50% extra pay is a penalty or overtime.	Proposal Summary: Clearly state whether 50% extra pay is a penalty or overtime and outline implications. Proposed Wording: <i>If the employer does not allow the employee to take an unpaid meal break at the rostered time (or at the time agreed under clause 16.4)</i> <i>a) From when the meal break was due to be taken.</i> <i>b) Until either the employee is allowed to take the break or the shift ends, the employer needs to pay a penalty of 50% on top of their ordinary rate of pay. E.G 50% penalty on top of base rate.</i>	N/A
AWCC	16.8(b)	36.	5.2(a)(viii) p34	Clause 16.8(b) - Rest break after overtime - AWCC Unclear rate and timing for the additional 20-minute paid rest break.	Proposal Summary: Specify rate and timing of the additional 20-minute paid rest break during overtime period. Proposed Wording: <i>(b) for the 3 hours of overtime, an additional 20-minute paid rest break under clause 16.8 at overtime rates, to be taken during the overtime period.</i>	N/A

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AWCC	18.3	37.	5.2(a)(iii) p30	Clause 18.3 - Reasonable overtime - AWCC No clear definition of "reasonable overtime."	Proposal Summary: Provide a definition informed by external legal precedents and consider medical and safety guidance, such as being awake for 17 hours being equivalent to .05 blood alcohol reading. Proposed Wording: <i>Reasonable overtime is not to exceed minimum safety thresholds as outlined within SafeWork Australia's guide to determining fatigue. Additional overtime resulting in the employee being awake for a prolonged period (16 hours or more) would be considered unreasonable overtime due to the employer failing to provide a safe working environment by way of failing to manage workplace fatigue risk.</i>	N/A
AWCC	18.3(a)(ii)	38.	5.2(a)(xv) p39	Clause 18.3(a)(ii) - Junior apprentice rates table - AWCC Lack of clarity in the Junior Apprentice Rates Table, specifically column 4.	Proposal Summary: Clearly indicate part-time employee rates. Proposed Wording: Add (Part-time employee) under the heading of column 4 as per column 3.	N/A
AWCC	18.4	39.	5.2(a) (xvi) p39	Clause 18.4 - Proficiency payments definition - AWCC No clear definition of "proficiency" for payments.	Proposal Summary: Define "proficiency" in context of payments. Proposed Wording: <i>Proficiency refers to a high degree of skill or expertise in a particular field or activity. It indicates a person's ability to perform a task, use a skill, or demonstrate knowledge at an advanced and competent level. Proficiency implies a level of mastery that goes beyond basic competence, suggesting a deep understanding and capability in a specific area.</i>	N/A
AWCC	20.2	40.	5.2(a)(ix) p35	Clause 20.2 - Annualised wage clarity - AWCC Unclear how annualised wage agreements affect employee disadvantage.	Proposal Summary: Rename as "BOOT" and provide a clear explanation to avoid employee disadvantage. Proposed Wording: <i>d) Regular Review: To comply with the BOOT (Better Off Overall Testing), employers may be required to regularly review and adjust the annualised wage arrangements to ensure ongoing compliance with minimum standards.</i> <i>* add BOOT (Better Off Overall Testing) to the definitions.</i>	N/A
AWCC	21.2(a)	41.	5.2(a)(x) p35	Clause 21.2(a) - Meal allowance definition - AWCC Unclear what constitutes a meal for purpose of meal allowances.	Proposal Summary: Specify that meal should be equivalent to what would be had at home. Proposed Wording: <i>a) An employer must supply an employee with a meal, equivalent of a meal that the employee would have at home, or pay an employee a meal allowance of \$15.30, if the employee is required to work overtime for more than 2 hours without being notified of that requirement on or before the previous day.</i>	N/A

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AWCC	21.3	42.	5.2(a)(xi) p36	Clause 21.3 - Split shift allowance - AWCC Lack of clarity on the gap between shifts that qualifies as a split shift.	Proposal Summary: Define the specific gap between shifts that constitutes a split shift. Proposed Wording: <i>(a) Clause 21.3(b) applies to any full-time or part-time employee who has a broken working day.</i> <i>(b) The employer must pay the employee an allowance of \$4.98 for each separate work period of 2 hours or more.</i> <i>(c) Definition of a split shift is any more than 1 hour between shifts that isn't considered an unpaid meal break.</i>	N/A
AWCC	24.2	43.	5.2(a)(xii) p37	Clause 24.2 – Clarification of penalty rates - AWCC Confusion due to both percentage and dollar amounts presented in penalty rates table.	Proposal Summary: Align with other awards by using only a penalty percentage. Proposed Wording: In the table remove the dollar amount and only show the percentage including the \$ amount, this will lessen the number of variations needed when rates are calculated, reduce errors and reduce risk for underpayments as it will eliminate a significant source of confusion.	N/A
AWCC	24.4(d) and 30.3	44.	5.2(a)(xiv) p39	Clause 24.4(d) and 30.3 - Public holiday pay disparity - AWCC Disparity in pay for employees working on public holidays.	Proposal Summary: Submission identifies a financial disparity issue for employees working on public holidays but does not specify a proposed wording for the solution.	N/A
AWCC	Schedule A - Classifications	45.	5.2(a)(xvii) p40	Schedule A - Quick Service Restaurants (QSR) in classifications - AWCC Lack of recognition for QSR in classifications.	Proposal Summary: Explicitly recognise QSR in the classifications. Proposed Wording: Add the following definition to the definition table. <i>QSR (Quick Service Restaurants) in the restaurant award refers to Restaurants that also have take away options and delivery partners. These restaurants are called Hybrid.</i>	N/A
AWCC	Various	46.	5.2(a)(xviii) p40	Various - Training and online delivery requirements - AWCC Staff required to do training online in their own time.	Proposal Summary: Establish reasonable requirements for online training.	N/A
AWCC	NEW clause	47.	5.2(a)(xiii) p38	NEW - Tips and service charges guidance - AWCC Lack of guidance on handling tips and service charges.	Proposal Summary: Introduce a clause to provide guidance on tip handling, reporting, and distribution. Proposed Wording: Tips and service charges <i>a) Employers must ensure all tips and service charges comply with the Australian Taxation Office record keeping and reporting requirements as a gratuity.</i> <i>b) Employees who keep tips and/or service charges are to comply with the Australian Taxation Office record keeping and reporting requirements as a gratuity.</i>	N/A

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					<p>c) <i>The employer must declare in writing to the employee as part of the employee's onboarding process the policy on tipping including who claims the tip, or its manner of distribution between staff (if a share scheme exists). For example:</i></p> <ol style="list-style-type: none"> 1. <i>The employer shall keep all tips collected by employees.</i> 2. <i>The employee shall keep all tips they collect.</i> 3. <i>All tips are collected by the employer and distributed as per the respective Enterprise Agreement or company policy.</i> 	
AHA	2	48.	1(a) p3	<p>Clause 2 - Definition of "appropriate level of training" - AHA Current definition is not fit for purpose having regard to the nature of the hospitality industry.</p>	<p>Proposal Summary: Remove the current definition for "appropriate level of training" from both Hospitality and Restaurant awards and rely on work value assessments for appropriate classification based on work performed and accessible progression in the classification structure. This will require some consequential amendments to the classification structure at Schedule A, without disturbing classifications that require a trade qualification.</p> <p>Proposed Wording: <i>The classification by the employer must be based on the characteristics that the employer requires the employee to have, and skills that the employer requires the employee to exercise, in order to carry out the principal functions of the employment.</i></p> <p>Alternatively, replace the existing definition with the following:</p> <p>appropriate level of training, in relation to an employee other than a casino gaming employee, means that the employee:</p> <ol style="list-style-type: none"> (a) <i>has completed an appropriate training program that meets the training and assessment requirements of a whole vocational qualification under the Australian Qualifications Framework (AQF); or</i> (b) <i>has been assessed by a qualified skills assessor as having skills at least equivalent to those attained in an appropriate training program; or</i> (c) <i>had been doing the work of a particular classification for a period of at least 3 months.</i> 	<p>ABI/BNSW oppose – paragraph (a) and (b) of the definition provide guidance, suggestion that (c) could be deleted: (para 7.21-7.23, p33; 8.17-8.18, p43)</p>
AHA	2	49.	1(b) p4	<p>Clause 2 - Definition of "liquor service employee" - AHA Current definition causes confusion for employers when applying the adult rate of pay for juniors working as liquor service employees.</p>	<p>Proposal Summary: The Fair Work Ombudsman has provided their advice to clarify when special rates are payable for juniors working around alcohol. The award definition would be improved with a clarifying note that reflects this advice.</p> <p>Proposed Wording: Insert the following note under the definition for "liquor service employee" that is intended to be consistent with the Fair Work Ombudsman's guide on paying special rates for employees working around alcohol:</p> <p><i>NOTE: A person who performs the following is a 'liquor service employee' for the purposes of this Award:</i></p> <ul style="list-style-type: none"> o <i>Sells alcohol to customers in a casino</i> 	<p>ABI/BNSW opposed – the definition is easily understood (para 7.24-7.25, p34)</p>

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
					<ul style="list-style-type: none"> ○ Services alcohol to a seated customer in a restaurant ○ Pours alcoholic drinks for service ○ Takes an order for alcohol from a customer ○ Delivers alcohol (poured by bar staff) to a customer. 	
AHA	2	50.	1(c) p4	Clause 2 - Definition of “rostered day off” - AHA Current definition is complex.	<p>Proposal Summary: Amend definition with plain language drafting.</p> <p>Proposed Wording:</p> <p><i>Rostered day off means a 24-hour period an employee is not required to work (a non-working day). It is distinct from an accrued day off or accrued time off in lieu.</i></p>	ABI/BNSW oppose - term is well understood across industries (para 7.26-7.28 p34)
AHA	10.7	51.	2 p5	Clause 10.7 - Rostering days off for part-time employees - AHA Clause as appears in both Hospitality and Restaurant awards constrains intended flexibility for averaging weekly hours across a roster cycle. The clause requires part-time employees to be rostered for two days off each week, which cannot be averaged over a longer period.	<p>Proposal Summary: Amend clause to balance part-time safeguards and flexibility afforded to employee and employer.</p> <p>Proposed Wording: Amend 10.7(b)</p> <p><i>must have 2 days off each week, or 4 days off averaged over each 2-week period.</i></p>	ABI/BNSW agree to discuss - (para 8.16, p35 and p42)
AHA	10.11 and 10.12	52.	2 p5	Clause 10.11 and 10.12 - Change in circumstances that changes availability - AHA Clauses 10.11 and 10.12 can be consolidated into a single sub-clause using plain language to apply modern award objective of simple, easy to understand award in s 134(1)(g) of FW Act.	<p>Proposal Summary: Consolidate clauses and replace clause using plain language to improve access to flexibility for part-time employees and further incentivise employers to engage employees on part-time rather than casual basis.</p> <p>Proposed Wording:</p> <p>10.11 Change in employee’s circumstances that changes their availability</p> <p><i>a. If there is a genuine and ongoing change in an employee’s circumstances, they may request to alter the times they are available by written request to the employer.</i></p> <p><i>b. If the employer cannot reasonably accommodate the requested alteration, the previous agreement made under clause 10.4 will cease to apply and a new agreement must be made.</i></p>	N/A
AHA	16	53.	6 p6	Clause 16 - Breaks - AHA Current provision is complex and should instead follow clause 14 of the Miscellaneous Award and adopt a more concise approach to breaks while retaining the additional entitlement to paid rest breaks.	<p>Proposal Summary: Replace clause 16 to meet the modern award objective to ensure a simple, easy to understand and sustainable modern award system.</p> <p>Proposed Wording:</p> <p>16. Breaks</p> <p><i>16.1 An employee must not be required to work for more than 5 hours without an unpaid meal break of at least 30 minutes.</i></p> <p><i>16.2 Employees are entitled to one 20-minute paid rest break for shifts longer than 8 hours, and two 20-minute paid rest breaks for shifts more than 10 hours.</i></p>	ABI/BNSW - agree to discuss (para 7.49-7.50, p38; para 8.19, p43)

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AHA	18.2	54.	21 p18	Clause 18.2 - Junior rates - AHA Weekly junior rates of pay should be simplified by removing the requirement to round weekly rates to the nearest 10 cents. Payroll functions are electronic and rounding of rates is no longer necessary. Pay should be precise.	Proposal Summary: Delete clauses 18.2(b)–(c) and retain existing minimum rates in subsection (a).	UWU open to discuss - (p28) AWCC supports - (para 3.11, p18) ABI/BNSW agree - (para 8.5, p41)
AHA	18.3, 18.4 and 18.5	55.	22 p18	Clause 18.3-18.5 - Apprentice rates - AHA Apprentice rates provided in clauses 18.3-18.5 constrain the provisions to apprentices in the cooking trade. Limitation to apprenticeships in the cooking trade should be lifted.	Proposal Summary: Apply the apprentice rates at clauses 18.3–18.5 to all employees covered by the Restaurant Industry Award that are undertaking an apprenticeship by deleting references to the “cooking trade”.	UWU open to discuss - (p28) AWCC supports - (para 3.11, p18) ABI/BNSW do not oppose - (para 8.4, p41)
AHA	18.8	56.	8 p8	Clause 18.8 - Higher duties - AHA Clause requires clarity around when higher duties would be payable in both Hospitality and Restaurant awards. The duties of employees at Food and Beverage Attendant Levels 2 and 3 are sufficiently different to warrant removing their exclusion from payment for higher duties.	Proposal Summary: replace existing clause 18.8 and redraft with plain language to ensure provision is simpler and easier to understand without altering legal effect. Will also improve entitlement for workers. Proposed Wording: 18.8. Higher Duties <i>a. An employee engaged in duties carrying a higher rate than their normal classification for two or more hours on one day must be paid the higher rate for that day. If for less than two hours, the employee must be paid the higher rate for the time so worked.</i> <i>b. An employee may be required to temporarily perform the duties of a lower classification without loss of pay.</i>	ABI/BNSW oppose - (para 7.7-7.9, p30; para 8.2, p40)
AHA	19	57.	9 p8	Clause 19 - Payment of wages - AHA The more concise approach to payment of wages in the Miscellaneous Award should be adopted to ensure a simpler and easier to understand modern award.	Proposal Summary: replace clause 19 with reference to the FW Act to ensure clarity and consistency. Proposed Wording: <i>Payment of wages is dealt with in section 323 of the Act.</i>	ABI/BNSW agree to discuss - (para 7.4-7.6, p29; para 8.7, p41)
AHA	20	58.	10 p8	Clause 20 - Annualised wage arrangements - AHA There are increased administrative and regulatory burdens associated with compliance obligations deterring employers from introducing annualised wages. Is reasonable for annualised wage arrangements to apply to part-time employees. Also, the outer limits for rostering employees on	Proposal Summary: Clause could be improved by re-drafting to align with the Fair Work Ombudsman’s guide to annualised wage arrangements in the hospitality and restaurant industries. Proposed Wording: Clause 20 to be redrafted by way of suggested wording for clause 24 of Hospitality award which reads:	AWCC supports - (para 3.11, p18)

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
				annualised wage arrangements should exclude public holidays worked in a roster cycle.	<ol style="list-style-type: none"> 1. Introduce annualised wage provisions for part-time employees by clarifying that the agreement made in clause 24.2(a) is an agreement between <u>an employer and a full-time or part-time employee</u> (with emphasis). 2. Substitute the term 'roster cycle' with 'averaging arrangements' in clause 24. 3. Correct the drafting error in cl. 24.2(a) by substituting the reference to 'clause 24.2(a)(vi)' with 'clause 24.2(b)'. 4. Correct the drafting error in cl. 24.2(a)(vi) to read 'clause 35.3(a)'. 5. Regarding the 'outer limits' in clause 24.2(b): <ol style="list-style-type: none"> i. Amend subsection (i) to exclude hours worked between 7.00pm to midnight <u>and hours worked on a public holiday</u> (with emphasis); or in the alternate; ii. Extend the outer limits in subsection (i) to be an average of 26 ordinary hours which would attract a penalty rate under clause 29.2(a) of the award per week. 6. Amend cl. 24.2(b)(ii) to read 'an average of 12 overtime hours per week', removing the superfluous 'in excess of ordinary hours' which is redundant once you have referred to the hours as overtime hours. 7. Correct the drafting error in cl. 24.2(d)(iii) which refers to cl. 24.2(a)(vi) instead of cl. 24.2(b); to read 'the number of overtime and penalty rate hours that the employee may be required to work without being entitled to additional payment in excess of the annualised wage, in accordance with clause 24.2(b) and (c).' 8. Add to the end of cl. 24.3(b) (with emphasis) '<u>within 14 days of completing the reconciliation</u>'. 9. Delete cl. 24.3(c) to reduce an unnecessary administrative task. The Fair Work Regulations 2009 set out the requirements for pay records that must be kept which will enable employers to complete the reconciliation. Employees have the right to access these records and receive payslips which reflect entitlements paid. 10. If, however, clause 24.3(c) is to remain, insert a Note in cl. 24.3(c) to illustrate modes of compliance acceptable to meet the record keeping requirements. This Note could be developed in conjunction with the Fair Work Ombudsman. 	
AHA	20.1	59.	23 p18	<p>Clause 20.1 - Annualised wage arrangements - AHA</p> <p>Clause is not consistent with the Hospitality Award causing lack of clarity for businesses that operate under both awards.</p>	<p>Proposal Summary: Clause 20.1(a) should be amended for consistency with Hospitality Award, noting the Fair Work Ombudsman resources on annualised wage arrangements considers clause 24 in the Hospitality award and clause 20 of Restaurant award together.</p> <p>Proposed Wording: Replace the list of conditions and entitlements at clause 20.1(a) with:</p> <ol style="list-style-type: none"> i. Clause 18 – minimum rates; ii. Clause 21 – allowances; iii. Clause 23 – overtime; iv. Clause 24 – penalty rates; v. Clause 25.3 – payment for annual leave loading; and vi. Clause 30.3 – additional public holiday arrangements for full-time employees. 	UWU open to discuss - (p28)

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
AHA	21.2	60.	11(b) p10	Clause 21.2 - Meal allowance - AHA The provision in some circumstances contradicts the entitlement to be provided with a meal or be paid the allowance under clauses 21.2(a)-(b).	Proposal Summary: replace clause 21.2 to simplify the allowance provisions and make the provision easier to use without reducing entitlements for workers. Proposed Wording: Clause 21.2 be redrafted by way of suggested wording for similar clause of Hospitality award which reads: 26.4 Meal Allowance <i>(a) An employer must supply an employee with a meal or pay an employee a meal allowance of \$15.30, if the employee is required to work overtime for more than 2 hours without being notified of that requirement on or before the previous day.</i>	ABI/BNSW agree - (para 8.3, p41; para 7.18(b), p32)
AHA	21.4	61.	11 p10	Clause 21.4 - Tool and equipment allowance - AHA Clause is unclear about entitlements for chefs or other workers who require use of specific tools.	Proposal Summary: Any other employee that is required to provide and use their own tools in the performance of their usual duties should have access to the allowance, not just cooks and apprentice cooks. Proposed Wording: clause 21.4 be redrafted to substitute “cook or apprentice cook” in clause with “employee” as per suggested wording for similar clause in Hospitality award.	ABI/BNSW oppose - (para 8.10, p42; para 7.18 (c), p32)
AHA	24.2	62.	14 p12	Clause 24.2 - Late night/early morning penalty rates - AHA Applying penalty rates “per hour or part of an hour” causes confusion about whether the part hour is paid on a pro rata basis.	Proposal Summary: Amend clause to bring in line with equivalent clauses in other awards to simplify payroll functions and provide consistency across modern awards. Proposed Wording: Replace clause with clause 24.4 of the Registered and Licensed Clubs Award 2020.	ABI/BNSW - oppose (para 8.20, p43)
AHA	21.3	63.	24 p19	Clause 21.3 - Split shift allowance - AHA Clause is not consistent with Hospitality Award.	Proposal Summary: Clause be redrafted in line with equivalent clause in Hospitality award to reduce payroll complexity for employers covered by both awards. Proposed Wording: Replace clause 21.3 with the clause 26.14 of the Hospitality (General) Industry Award.	UWU oppose - reduction in entitlements (p28) AWCC supports - (para 3.11, p18) ABI/BNSW oppose - will require 2 different rates (para 8.8-8.9, p41)
AHA	24.4	64.	15 p12	Clause 24.4 - Additional provisions for work on public holidays - AHA Similar to the equivalent issue in the Hospitality award, this clause deals with public holidays which	Proposal Summary: Co-locate clause to the public holiday provision so that all public holiday provisions are consolidated into one substantive clause. Award will be easier to use if provisions relating to public holidays are consolidated.	ABI/BNSW oppose - (para 8.11, p42) UWU supports - would enhance

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Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
				are already substantively dealt with in the public holiday provision.		usability of award (p25)
AHA	25.5–25.7	65.	16 p12	<p>Clause 25.5-25.7 - Excessive annual leave accruals - AHA</p> <p>Clauses are complex and should be consolidated to simplify direction from an employer to employee to reduce accrued annual leave balance where agreement on leave application has not been reached.</p>	<p>Proposal Summary: replace current clauses in line with Hospitality award to simplify provision without reducing entitlement for employees.</p> <p>Proposed Wording: Clause 25.5 be redrafted by way of suggested wording for similar clause of Hospitality award which reads:</p> <p>36. Excessive leave accruals</p> <p>a. An employer may direct an employee to take a period of paid annual leave of at least one week provided:</p> <ul style="list-style-type: none"> i. The employee has accrued at least 8 weeks of annual leave; and ii. The employer gives the employee 8 weeks' notice of the requirement to take annual leave; and iii. The employee retains at least 6 weeks of accrued annual leave after the direction is given by the employer; and iv. There is no conflict with any existing leave arrangement agreed by the employee and employer. <p>b. An employee may give a written notice to the employer requesting to take one or more periods of paid annual leave if:</p> <ul style="list-style-type: none"> i. The employee has had an excessive leave accrual for more than 6 months; and ii. The employee gives the employer 8 weeks' notice of the taking of annual leave; and iii. The period of leave is between one- and four-weeks' duration; and iv. The employee retains at least 6 weeks of accrued annual leave after the notice is given. v. The employer must grant paid annual leave as requested by the notice. 	N/A
AHA	Various clauses	66.	19 p14	<p>Various - Roster cycle and averaging arrangements - AHA</p> <p>Terms “roster cycle” and “averaging arrangements” are used interchangeably in Hospitality award to mean the same thing, however “roster cycle” is not defined in the award so its meaning is unclear. Clause should be amended to reduce ambiguity and promote more consistent practices.</p>	<p>Proposal Summary: Provide for a definition of “averaging arrangement” and include clarification that the use of the term “roster cycle” as a term used interchangeably. Replace the term “roster cycle” with “averaging arrangement” in hours of work provisions and in clause referring to annualised wage arrangements.</p>	N/A
AHA	Schedule A	67.	25 p19		<p>Proposal Summary: Amend relevant classification structure provisions.</p> <p>Proposed Wording:</p>	<p>UWU open to discuss - (p29-30)</p> <p>AWCC supports - (para 3.11, p18)</p>

Restaurant Industry Award 2020						
Party	CLAUSE	REF	THEIR REF	Issue summary	Proposal Summary	Submission in reply
				<p>Schedule A - Classification structure and definitions - AHA Classification structure should be changed to make easier to apply and more fit for purpose in current operational context.</p>	<ul style="list-style-type: none"> A2.2(c) – remove “including cleaning tables” as that duty firmly aligns with the immediately preceding grade and not grade 2. A2.4 – remove “tradesperson” requirement from Food and Beverage attendant grade 4 as waiting apprenticeships or similar are no longer offered. At present, this prevents the meaningful use of grade 4. Employers would benefit from being able to use grade 4 for their staff who perform at a higher level than grade 3, but who aren’t supervisors for the purpose of grade 5. Remove Schedule AA from the Award due to its expired period of operation. 	<p>ABI/BNSW - no response (para 8.22-8.23, p43)</p>
Nellers HR Consulting	24.4(d) and 30.3	68.	Nil	<p>Clause 24.4(d) and 30.3 - Public holiday pay disparity - Nellers HR Disparity in pay for employees working on public holidays. Employees working on a public holiday are financially disadvantaged compared to those not scheduled to work, due to the remuneration rate set at 225% of the minimum hourly rate versus entitlement to an additional day’s pay.</p>	<p>Proposal Summary: Address financial disparity for public holiday work.</p> <p>Proposed Wording: Suggests a revision of clause 30.3 to align compensation with the 225% rate mentioned in clause 24.4(d), eliminating the disadvantage for employees working on public holidays.</p>	<p>ABI/BNSW oppose - (para 8.11, p42)</p> <p>AWCC oppose - disagree with interpretation of clause 30.3 (para 8.1, p23)</p> <p>RAFFWU oppose - no specific proposal (para 4)</p>