DRAFT DETERMINATION

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2020–21
(C2021/1)

RESTAURANT INDUSTRY AWARD 2020
[MA000119]

Restaurants

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
MR FERGUSON
PROFESSOR WOODEN
MS LABINE-ROMAIN   MELBOURNE, XX JUNE 2021

Annual Wage Review 2020–21.

A.   Further to the decision issued by the Expert Panel in the Annual Wage Review 2020–21 on 16 June 2021 [[2021] FWCFB 3500], the above award is varied as follows:

1.   By deleting the table appearing in clause 18.1 and inserting the following:

Column 1 Employee classification	Column 2 Employee stream and grade	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		$	$
Introductory Level		772.60	20.33
Level 1	Food and beverage attendant grade 1 Kitchen attendant grade 1	794.80	20.92
Level 2	Food and beverage attendant grade 2 Cook grade 1 Kitchen attendant grade 2	825.20	21.72

Column 1 Employee classification	Column 2 Employee stream and grade	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		$	$
	Clerical grade 1 Storeperson grade 1 Door person/security officer grade 1		
Level 3	Food and beverage attendant grade 3 Cook grade 2 Kitchen attendant grade 3 Clerical grade 2 Storeperson grade 2 Timekeeper/security officer grade 2 Handyperson	853.60	22.46
Level 4	Food and beverage attendant grade 4 (tradesperson) Cook grade 3 (tradesperson) Clerical grade 3 Storeperson grade 3	899.50	23.67
Level 5	Food and beverage supervisor Cook grade 4 (tradesperson) Clerical supervisor	955.90	25.16
Level 6	Cook grade 5 (tradesperson)	981.50	25.83

2. By deleting the table appearing in clause 18.3(a)(ii) and inserting the following:

Column 1 Year of apprenticeship	Column 2 % of the standard rate	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		$	$
1st year	55	494.73	13.02
2nd year	65	584.68	15.39
3rd year	80	719.60	18.94
4th year	95	854.53	22.49

3. By deleting the words "1 February 2021" in clause 18.7(b) and inserting "1 November 2021".

4. By deleting the amount "$4.39" appearing in clause 21.3(b) and inserting "$4.50".

5.   By deleting the amounts "$2.31" and "$3.46" wherever they appear in clause 24.2 and inserting "$2.37" and "$3.55" respectively.

6.   By deleting the table appearing in clause B.1.1 and inserting the following:

	Ordinary hours[1]	Saturday	Sunday	Public holiday	Public holiday[2]
	% of minimum hourly rate				
	100%	125%	150%	225%	125%
	$	$	$	$	$
Introductory Level	20.33	25.41	30.50	45.74	25.41
Level 1	20.92	26.15	31.38	47.07	26.15
Level 2	21.72	27.15	32.58	48.87	27.15
Level 3	22.46	28.08	33.69	50.54	28.08
Level 4	23.67	29.59	35.51	53.26	29.59
Level 5	25.16	31.45	37.74	56.61	31.45
Level 6	25.83	32.29	38.75	58.12	32.29

7.   By deleting the table appearing in clause B.1.2 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of minimum hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
Introductory Level	30.50	40.66	35.58	40.66	40.66	40.66
Level 1	31.38	41.84	36.61	41.84	41.84	41.84
Level 2	32.58	43.44	38.01	43.44	43.44	43.44
Level 3	33.69	44.92	39.31	44.92	44.92	44.92
Level 4	35.51	47.34	41.42	47.34	47.34	47.34
Level 5	37.74	50.32	44.03	50.32	50.32	50.32
Level 6	38.75	51.66	45.20	51.66	51.66	51.66

8.   By deleting the table appearing in clause B.1.3 and inserting the following:

	Ordinary hours[1]	Saturday	Sunday – Introductory to Level 2	Sunday – Level 3 to Level 6	Public holiday
	% of minimum hourly rate				
	125%	150%	150%	175%	250%
	$	$	$	$	$
Introductory Level	25.41	30.50	30.50	–	50.83
Level 1	26.15	31.38	31.38	–	52.30
Level 2	27.15	32.58	32.58	–	54.30
Level 3	28.08	33.69	–	39.31	56.15
Level 4	29.59	35.51	–	41.42	59.18
Level 5	31.45	37.74	–	44.03	62.90
Level 6	32.29	38.75	–	45.20	64.58

9.   By deleting the table appearing in clause B.1.4 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours	
	% of minimum hourly rate				
	150%	200%	175%	200%	200%
	$	$	$	$	$
Introductory Level	30.50	40.66	35.58	40.66	40.66
Level 1	31.38	41.84	36.61	41.84	41.84
Level 2	32.58	43.44	38.01	43.44	43.44
Level 3	33.69	44.92	39.31	44.92	44.92
Level 4	35.51	47.34	41.42	47.34	47.34
Level 5	37.74	50.32	44.03	50.32	50.32
Level 6	38.75	51.66	45.20	51.66	51.66

10.   By deleting the table appearing in clause B.2.2 and inserting the following:

	Ordinary hours[1]	Saturday	Sunday	Public holiday	Public holiday[2]
	% of junior hourly rate				
	100%	125%	150%	225%	125%
	$	$	$	$	$
Introductory Level					
16 years of age and under	10.17	12.71	15.26	22.88	12.71
17 years of age	12.20	15.25	18.30	27.45	15.25
18 years of age	14.23	17.79	21.35	32.02	17.79
19 years of age	17.28	21.60	25.92	38.88	21.60
20 years of age	20.33	25.41	30.50	45.74	25.41
Level 1					
16 years of age and under	10.46	13.08	15.69	23.54	13.08
17 years of age	12.55	15.69	18.83	28.24	15.69
18 years of age	14.64	18.30	21.96	32.94	18.30
19 years of age	17.78	22.23	26.67	40.01	22.23
20 years of age	20.92	26.15	31.38	47.07	26.15
Level 2					
16 years of age and under	10.86	13.58	16.29	24.44	13.58
17 years of age	13.03	16.29	19.55	29.32	16.29
18 years of age	15.20	19.00	22.80	34.20	19.00
19 years of age	18.46	23.08	27.69	41.54	23.08
20 years of age	21.72	27.15	32.58	48.87	27.15
Level 3					
18 years of age	15.72	19.65	23.58	35.37	19.65
19 years of age	19.09	23.86	28.64	42.95	23.86
20 years of age	22.46	28.08	33.69	50.54	28.08
Level 4					
18 years of age	16.57	20.71	24.86	37.28	20.71
19 years of age	20.12	25.15	30.18	45.27	25.15
20 years of age	23.67	29.59	35.51	53.26	29.59
Level 5					
18 years of age	17.61	22.01	26.42	39.62	22.01

	Ordinary hours[1]	Saturday	Sunday	Public holiday	Public holiday[2]
	% of junior hourly rate				
	100%	125%	150%	225%	125%
	$	$	$	$	$
19 years of age	21.38	26.73	32.07	48.11	26.73
20 years of age	25.16	31.45	37.74	56.61	31.45

11.   By deleting the table appearing in clause B.2.3 and inserting the following:

	Monday to Friday		Saturday		Sunday - all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
Introductory Level						
16 years of age and under	15.26	20.34	17.80	20.34	20.34	20.34
17 years of age	18.30	24.40	21.35	24.40	24.40	24.40
18 years of age	21.35	28.46	24.90	28.46	28.46	28.46
19 years of age	25.92	34.56	30.24	34.56	34.56	34.56
20 years of age	30.50	40.66	35.58	40.66	40.66	40.66
Level 1						
16 years of age and under	15.69	20.92	18.31	20.92	20.92	20.92
17 years of age	18.83	25.10	21.96	25.10	25.10	25.10
18 years of age	21.96	29.28	25.62	29.28	29.28	29.28
19 years of age	26.67	35.56	31.12	35.56	35.56	35.56
20 years of age	31.38	41.84	36.61	41.84	41.84	41.84
Level 2						
16 years of age and under	16.29	21.72	19.01	21.72	21.72	21.72
17 years of age	19.55	26.06	22.80	26.06	26.06	26.06
18 years of age	22.80	30.40	26.60	30.40	30.40	30.40
19 years of age	27.69	36.92	32.31	36.92	36.92	36.92

	Monday to Friday		Saturday		Sunday - all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
20 years of age	32.58	43.44	38.01	43.44	43.44	43.44
Level 3						
18 years of age	23.58	31.44	27.51	31.44	31.44	31.44
19 years of age	28.64	38.18	33.41	38.18	38.18	38.18
20 years of age	33.69	44.92	39.31	44.92	44.92	44.92
Level 4						
18 years of age	24.86	33.14	29.00	33.14	33.14	33.14
19 years of age	30.18	40.24	35.21	40.24	40.24	40.24
20 years of age	35.51	47.34	41.42	47.34	47.34	47.34
Level 5						
18 years of age	26.42	35.22	30.82	35.22	35.22	35.22
19 years of age	32.07	42.76	37.42	42.76	42.76	42.76
20 years of age	37.74	50.32	44.03	50.32	50.32	50.32

12.   By deleting the table appearing in clause B.2.4 and inserting the following:

	Ordinary hours[1]	Saturday	Sunday – Introductory to Level 2	Sunday – Level 3 to Level 6	Public holiday
	% of junior hourly rate				
	125%	150%	150%	175%	250%
	$	$	$	$	$
Introductory Level					
16 years of age and under	12.71	15.26	15.26	–	25.43
17 years of age	15.25	18.30	18.30	–	30.50
18 years of age	17.79	21.35	21.35	–	35.58
19 years of age	21.60	25.92	25.92	–	43.20
20 years of age	25.41	30.50	30.50	–	50.83
Level 1					

	Ordinary hours[1]	Saturday	Sunday – Introductory to Level 2	Sunday – Level 3 to Level 6	Public holiday
	% of junior hourly rate				
	125%	**150%**	**150%**	**175%**	**250%**
	$	$	$	$	$
16 years of age and under	13.08	15.69	15.69	–	26.15
17 years of age	15.69	18.83	18.83	–	31.38
18 years of age	18.30	21.96	21.96	–	36.60
19 years of age	22.23	26.67	26.67	–	44.45
20 years of age	26.15	31.38	31.38	–	52.30
Level 2					
16 years of age and under	13.58	16.29	16.29	–	27.15
17 years of age	16.29	19.55	19.55	–	32.58
18 years of age	19.00	22.80	22.80	–	38.00
19 years of age	23.08	27.69	27.69	–	46.15
20 years of age	27.15	32.58	32.58	–	54.30
Level 3					
18 years of age	19.65	23.58	–	27.51	39.30
19 years of age	23.86	28.64	–	33.41	47.73
20 years of age	28.08	33.69	–	39.31	56.15
Level 4					
18 years of age	20.71	24.86	–	29.00	41.43
19 years of age	25.15	30.18	–	35.21	50.30
20 years of age	29.59	35.51	–	41.42	59.18
Level 5					
18 years of age	22.01	26.42	–	30.82	44.03
19 years of age	26.73	32.07	–	37.42	53.45
20 years of age	31.45	37.74	–	44.03	62.90

13.   By deleting the table appearing in clause B.2.5 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours	
	% of junior hourly rate				
	150%	200%	175%	200%	200%
	$	$	$	$	$
Introductory Level					
16 years of age and under	15.26	20.34	17.80	20.34	20.34
17 years of age	18.30	24.40	21.35	24.40	24.40
18 years of age	21.35	28.46	24.90	28.46	28.46
19 years of age	25.92	34.56	30.24	34.56	34.56
20 years of age	30.50	40.66	35.58	40.66	40.66
Level 1					
16 years of age and under	15.69	20.92	18.31	20.92	20.92
17 years of age	18.83	25.10	21.96	25.10	25.10
18 years of age	21.96	29.28	25.62	29.28	29.28
19 years of age	26.67	35.56	31.12	35.56	35.56
20 years of age	31.38	41.84	36.61	41.84	41.84
Level 2					
16 years of age and under	16.29	21.72	19.01	21.72	21.72
17 years of age	19.55	26.06	22.80	26.06	26.06
18 years of age	22.80	30.40	26.60	30.40	30.40
19 years of age	27.69	36.92	32.31	36.92	36.92
20 years of age	32.58	43.44	38.01	43.44	43.44
Level 3					
18 years of age	23.58	31.44	27.51	31.44	31.44
19 years of age	28.64	38.18	33.41	38.18	38.18
20 years of age	33.69	44.92	39.31	44.92	44.92
Level 4					
18 years of age	24.86	33.14	29.00	33.14	33.14
19 years of age	30.18	40.24	35.21	40.24	40.24
20 years of age	35.51	47.34	41.42	47.34	47.34
Level 5					

	Monday to Friday		Saturday		Sunday – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours	
	% of junior hourly rate				
	150%	200%	175%	200%	200%
	$	$	$	$	$
18 years of age	26.42	35.22	30.82	35.22	35.22
19 years of age	32.07	42.76	37.42	42.76	42.76
20 years of age	37.74	50.32	44.03	50.32	50.32

14.	By deleting the table appearing in clause B.3.2 and inserting the following:

	Ordinary hours[1]	Saturday	Sunday	Public holiday	Public holiday[2]
	% of junior apprentice hourly rate				
	100%	125%	150%	225%	125%
	$	$	$	$	$
1st year	13.02	16.28	19.53	29.30	16.28
2nd year	15.39	19.24	23.09	34.63	19.24
3rd year	18.94	23.68	28.41	42.62	23.68
4th year - not attained standard of proficiency	22.49	28.11	33.74	50.60	28.11
4th year - attained standard of proficiency	23.67	29.59	35.51	53.26	29.59

15.	By deleting the table appearing in clause B.3.3 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior apprentice hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
1st year	19.53	26.04	22.79	26.04	26.04	26.04
2nd year	23.09	30.78	26.93	30.78	30.78	30.78
3rd year	28.41	37.88	33.15	37.88	37.88	37.88
4th year - not attained	33.74	44.98	39.36	44.98	44.98	44.98

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of junior apprentice hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
standard of proficiency						
4th year - attained standard of proficiency	35.51	47.34	41.42	47.34	47.34	47.34

16.   By deleting the table appearing in clause B.4.2 and inserting the following:

	Ordinary hours[1]	Saturday	Sunday	Public holiday	Public holiday[2]
	% of adult apprentice hourly rate				
	100%	125%	150%	225%	125%
	$	$	$	$	$
1st year	18.94	23.68	28.41	42.62	23.68
2nd year	20.33	25.41	30.50	45.74	25.41
3rd year	20.33	25.41	30.50	45.74	25.41
4th year - not attained standard of proficiency	22.49	28.11	33.74	50.60	28.11
4th year - attained standard of proficiency	23.67	29.59	35.51	53.26	29.59

17.   By deleting the table appearing in clause B.4.3 and inserting the following:

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of adult apprentice hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
1st year	28.41	37.88	33.15	37.88	37.88	37.88
2nd year	30.50	40.66	35.58	40.66	40.66	40.66
3rd year	30.50	40.66	35.58	40.66	40.66	40.66
4th year - not attained	33.74	44.98	39.36	44.98	44.98	44.98

	Monday to Friday		Saturday		Sunday – all time worked	Rostered day off – all time worked
	First 2 hours	After 2 hours	First 2 hours	After 2 hours		
	% of adult apprentice hourly rate					
	150%	200%	175%	200%	200%	200%
	$	$	$	$	$	$
standard of proficiency						
4th year - attained standard of proficiency	35.51	47.34	41.42	47.34	47.34	47.34

18.   By deleting the amount "$877.60" appearing in clause C.1.1 and inserting "$899.50".

19.   By deleting the table appearing in C.1.1 and inserting the following:

Allowance	Clause	% of standard rate	$	Payable
Split shift allowance—full-time and part-time employees	21.3(b)	0.5	4.50	per each separate work period of 2 hours or more

20.   By deleting the amount "$23.09" appearing in clause C.3 and inserting "$23.67".

21.   By deleting the table appearing in C.3 and inserting the following:

Penalty	Clause	% of standard hourly rate	$	Payable
Monday to Friday— 10.00 pm to midnight	24.2	10.0	2.37	per hour or part thereof
Monday to Friday— midnight to 6.00 am	24.2	15.0	3.55	per hour or part thereof

B.   This determination comes into operation on 1 November 2021. In accordance with s.286(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 November 2021.

PRESIDENT