

**IN THE FAIR WORK COMMISSION  
AT SYDNEY**

**Matter No.:** **AM2020/4**  
**Applicant:** **Shop Distributive and Allied Employees' Association**  
**Respondent:** **Australian Ski Areas Association**

**SUBMISSIONS OF THE SHOP DISTRIBUTIVE AND ALLIED  
EMPLOYEES' ASSOCIATION SEEKING TO VARY COVERAGE OF  
THE ALPINE RESORTS AWARD 2020**

**Introduction**

1. By application dated 18 February 2020, the Shop Distributive and Allied Employees' Association (**SDA**) seeks a determination under s 157(1)(a) of the *Fair Work Act 2009* (Cth) (**Act**) varying coverage of the Alpine Resorts Award 2020 (**Alpine Resorts Award**).
2. Specifically, the SDA seeks a determination varying coverage so that employees who perform work in classifications covered by the General Retail Industry Award 2010 (**GRIA**), Fast Food Industry Award 2010 (**FFIA**) and Hair and Beauty Industry Award 2010 (**HBIA**) (collectively referred to as the **General Industry Awards**) are covered by those awards instead of the Alpine Resorts Award.
3. The SDA proposes that the Alpine Resorts Award be varied by inserting the following sentence at the conclusion of clause 4.1:

“The Award does not cover employees covered by the following awards:

The General Retail Industry Award 2010

The Fast Food Industry Award 2010

The Hair and Beauty Industry Award 2010.”

4. It has always been anomalous that employees covered by the Alpine Resorts Award performing identical roles to roles covered by the General Industry Awards do not receive the same minimum safety net of terms and conditions of employment which have been determined by the Fair Work Commission to be necessary to achieve the modern awards objective in respect of those other awards.
5. The SDA submits the fact that an employer who operates an alpine resort may incur capital costs associated with operating an alpine lift, does not justify the continued maintenance of the Alpine Resorts Award in respect of workers who would otherwise be covered by the General Industry Awards. Retail, fast food and hair and beauty workers ought to receive

the same minimum safety net of terms and conditions throughout Australia regardless of where they work or who they perform their work for.

6. The Alpine Resorts Award is not achieving the modern awards objective for retail, fast food and hair and beauty workers covered by it and the Commission ought to be satisfied, for the purposes of s 157(1) of the Act, that the SDA's proposed variation is necessary to meet the modern awards objective.

### **Jurisdiction to vary a modern award**

7. Section 157(1)(a) of the Act provides that the Commission may make a determination varying a modern award, otherwise than to vary modern award minimum wages or to vary a default fund term of the award, if satisfied that making the determination is necessary to achieve the modern awards objective (the modern awards objective is contained in s 134(1) of the Act).
8. The SDA is entitled to represent the interests of workers in the retail, fast food and hair and beauty industries, amongst other industries. It is an organisation entitled to bring this application (see item 5 referred to in s 158(1) of the Act).
9. For the reasons expressed below, the SDA submits that the Commission can be satisfied that it is necessary to reduce coverage of the Alpine Resorts Award in the manner proposed by the SDA in order for the Alpine Resorts Award to achieve the modern awards objective.
10. The Commission must not vary a modern award so that certain employees stop being covered by the award unless the Commission is satisfied that the employees will instead be covered by another modern award (other than the miscellaneous modern award) that is appropriate for them (see s 163(1) of the Act). The SDA submits that the Commission can be satisfied that each of the employees who would no longer be covered by the Alpine Resorts Award will instead be covered by one of the General Industry Awards that is appropriate for them.

### **Coverage of the Alpine Resorts Award**

11. The coverage of the Alpine Resorts Award is contained in clause 4. It provides:

#### **4. Coverage**

- 4.1 This industry award covers employers throughout Australia who operate an alpine resort and their employees employed at, or in direct connection with the operation of, the alpine resort in the classifications within Schedule A- Classification Definitions to the exclusion of any other modern award.

- 4.2 **Alpine resort** means a resort which includes, among other things, an alpine lift.

- 4.3 This award covers any employer which supplies labour on an on-hire basis to the alpine resort industry in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. Clause 4.3 operates subject to the exclusions from coverage in this award.
- 4.4 This award covers employers which provide group training services for apprentices and trainees engaged in the alpine resort industry and/or parts of that industry and those apprentices and trainees engaged by a group training service hosted by a company to perform work at a location where the activities described in clause 4.1 are being performed. Clause 4.4 operates subject to the exclusions from coverage in this award.
- 4.5 This award does not cover:
  - (a) employees excluded from award coverage by the Act;
  - (b) employees who are covered by a modern enterprise award or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees; or
  - (c) employees who are covered by a State reference public sector modern award or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.
- 4.6 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

12. The effect of clause 4.1 is that the Alpine Resorts Award will apply instead of one of the General Industry Awards if:
  - a. the work performed by the employee falls into one of the classifications in Schedule A of the Alpine Resorts Award; and
  - b. the employee:
    - i. works for an employer who operates an alpine resort (defined in clause 4.2 as a resort which includes, among other things, an alpine lift); and
    - ii. works at the alpine resort or in direct connection with the operation of the alpine resort.
13. Schedule A of the Alpine Resorts Award includes classifications ordinarily covered by the General Industry Awards. These classifications include:

- a. retail sales (see Resort Worker Level 2 in clause A.3.2 and Resort Worker Level 4 in clause A.5.2) ordinarily covered by the GRIA;
  - b. beauty therapists and spa attendants (see Resort Worker Level 3 in clause A.4.2) and qualified beauty therapists (see Resort Worker Level 6 in clause A.7.1) ordinarily covered by the HBIA;
  - c. food service assistant (see Resort Worker Level 1 in clause A.2.1), kitchenhand duties (see Resort Worker Level 1 in clause A.2.1), food service (see Resort Worker Level 2 in clause A.3.2), a cook (see Resort Worker Level 2 in clause A.3.2), food service staff (see Resort Worker Level 3 in clause A.4.2), a kitchen attendant (see Resort Worker Level 3 in clause A.4.2) and food service staff (see Resort Worker Level 4 in clause A.5.2), if those duties are performed in respect of the fast food industry as defined by the FFIA.
14. The SDA submits that the Alpine Resorts Award is manifestly unfair to these employees. It provides an inferior minimum safety net of terms and conditions for these employees as compared with the General Industry Awards. For example, it provides a lower base rate of pay and contains no penalty rates for evening and weekend work. The extent of the inferior conditions is referred to in the table in Attachment A.
15. Employees are relegated to an inferior minimum safety net of terms and conditions not because of the nature of the work they perform but, rather, because of the status of their employer (namely, because their employer operates an alpine resort which includes an alpine lift). In this sense, it unjustifiably “privileges” the alpine resort operator. Indeed, it was submitted by the Australian Ski Areas Association during the 4 yearly review of the Alpine Resorts Award 2010 that the award represented a “privilege” for alpine resort operators.<sup>1</sup> However, this privilege comes at the expense of the employee.
16. During modernisation, the SDA voiced its concerns in relation to the exposure draft of the award issued by the Australian Industrial Relations Commission. The SDA initially submitted that the rates for retail workers, fast food workers and hair and beauty workers who were employed under the terms of the exposure draft award should not be less than the same relative classification structure as defined in the industry awards.<sup>2</sup>
17. The SDA also appeared as an interested party in the 4 yearly review of the Alpine Resorts Award and resisted the applications brought at that stage to expand coverage of the award.<sup>3</sup>

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<sup>1</sup> See for example, AM2016/30 Transcript of Proceedings, 1 November 2017, PN2836 and the references thereafter.

<sup>2</sup> AM2008/25 Transcript of Proceedings, 30 June 2009, PM3653.

<sup>3</sup> *Alpine Resorts Award 2010 - 4 Yearly Review* [2018] FWCFB 4984.

Although the SDA did not make an application to reduce coverage at that stage, during those proceedings, the SDA continued to voice its long held concerns with the coverage term of the Alpine Resorts Award and it reserved its position with respect to any future application seeking to vary coverage of the award.<sup>4</sup>

18. It remains the case that the Commission, or indeed the Australian Industrial Relations Commission, has never heard detailed argument from any party as to why the coverage clause of the Alpine Resorts Award fails to meet the modern awards objective in s 134(1) of the Act in respect of retail, fast food and hair and beauty workers who are covered by the award.

### **The modern awards objective**

19. The modern awards objective is contained in s 134(1) of the Act. It provides:
  - (l) The FWC must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions, taking into account:
    - (a) relative living standards and the needs of the low paid; and
    - (b) the need to encourage collective bargaining; and
    - (c) the need to promote social inclusion through increased workforce participation; and
    - (d) the need to promote flexible modern work practices and the efficient and productive performance of work; and
    - (da) the need to provide additional remuneration for:
      - (i) employees working overtime; or
      - (ii) employees working unsocial, irregular or unpredictable hours; or:
      - (iii) employees working on weekends or public holidays; or
      - (iv) employees working shifts; and
    - (e) the principle of equal remuneration for work of equal or comparable value; and
    - (f) the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden; and
    - (g) the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards; and
    - (h) the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.
20. In *Shop, Distributive and Allied Employees Association v The Australian Industry Group* (2017) 253 FCR 368, the Full Court of the Federal Court made the following observations about the modern awards objective:

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<sup>4</sup> For example, see submissions of the SDA dated 16 July 2019.

- a. It requires the Commission to perform a value judgment based on an assessment of the considerations in s 134(1)(a) to (h) (see paragraph [48]);
  - b. The considerations in s 134(1)(a) to (h) inform the evaluation of what might constitute a fair and relevant minimum safety net of terms and conditions but they do not necessarily exhaust matters which the Commission might properly consider to be relevant to that standard, in the particular circumstances of a review (see paragraph [48]);
  - c. The factors in (a) to (h) are broadly conceived and will involve competing value judgments about broad questions of social and economic policy. The Commission is to perform the required evaluative function by taking into account the s 134(1)(a) to (h) matters and assessing the qualities of the safety net by reference to the criteria of fairness and relevance. The Commission is entitled to conceptualise those criteria by reference to the potential universe of facts, relevance being determined by implication from the subject matter, scope and purpose of the Act (see paragraph [49]);
  - d. The perspectives of employers and employees and the contemporary circumstances in which an award operates are circumstances within a permissible conception of a fair and relevant safety net taking into account the s 134(a)-(h) matters (see paragraph [53]);
  - e. Contemporary circumstances can be taken into account, but they do not exhaust the universe of considerations mandated by s 134(a) to (h) (see paragraph [51]).
21. Although the Full Federal Court accepted that it is permissible to have regard to the historical context applicable to each modern award when determining what is a fair and relevant minimum safety net of terms and conditions (see paragraph [55]), the SDA submits that the history, in and of itself, provides an insufficient basis to maintain the present coverage term of the Alpine Resorts Award. History ought not “trump” the inherent unfairness which is brought about for employees who receive less pay than they otherwise would receive if the General Industry Awards applied.
22. Further, the fact that the Alpine Resorts Award “privileges” the employer at the expense of low paid retail, fast food and hair and beauty employees, ought not be permitted to continue. Maintaining “privilege” has no place under any criteria forming part of the modern awards objective: it is inconsistent with it and is an irrelevant consideration.

**The Alpine Resorts Award does not meet the modern awards objective**

23. It is inescapable that the Alpine Resorts Award is strikingly unfair to employees who perform work who would otherwise be covered by the General Industry Awards: such employees do the same work as employees covered by the General Industry Awards but they receive less pay and have inferior working conditions to the pay and conditions which the Commission has determined are necessary to meet the modern awards objective for those employees covered by those Awards.
24. The following table provides an example of the financial impact for casual and permanent employees who, but for the Alpine Resorts Award, would be covered by the General Industry Awards, on the basis of three hypothetical rosters:

Roster 1	Alpine Level 2	GRIA Level 1	FFIA Level 1	Alpine Level 3	HBIA Level 2
<b>Permanent</b> 38 hours (5 X 7.6hrs) (Mon-Fri)	\$791.54	\$813.60	\$813.60	\$819.28	\$833.00
<b>Casual</b> 38 hours, Mon – Fri	\$989.43	\$1017.00	\$1017.00	\$1024.10	\$1041.25
<b>Roster 2</b>					
<b>Permanent</b> Mon-Fri – 6hrs Sat – 6hrs Sun – 6hrs	124.98 124.98 124.98  \$ 374.94	128.46 160.58 192.69  \$481.73	128.46 160.58 160.58  \$449.62	129.36 129.36 129.36  \$388.08	131.52 174.92 263.04  \$569.48
<b>Casual</b> Mon-Fri – 6hrs Sat – 6hrs Sun – 6hrs	156.24 156.24 156.24  \$468.72	160.56 192.69 224.81  \$578.06	160.56 192.69 192.69  \$545.94	161.70 161.70 161.70  \$485.10	164.40 174.92 263.04  \$602.36
<b>Roster 3</b>					
<b>Permanent</b> Mon-Fri – 20hrs Sun – 8hrs	416.60 166.64  \$583.24	428.20 256.92  \$685.12	428.20 214.10  \$642.30	431.20 172.48  \$603.68	438.40 350.72  \$789.12

<b>Casual</b>					
Mon-Fri – 20hrs	520.80	535.20	535.20	539.00	548.00
Sun – 8hrs	208.32	299.74	256.92	215.60	350.72
	<b>\$729.12</b>	<b>\$834.94</b>	<b>\$792.12</b>	<b>\$754.60</b>	<b>\$898.72</b>

- 25. As submitted at the outset, it is an insufficient justification to maintain the current coverage term because there are costs associated with operating an alpine resort (including operating a lift). Or indeed because profit may be impacted by seasonality or the weather. All employers covered by the General Industry Awards have costs associated with conducting a business. Many employers covered by the General Industry Awards operate businesses where profit can be impacted by seasonality or the weather. In any event, it is notable that the Alpine Resorts Award applies not only during the short ski season (for four months), but it applies across the year (including the remaining 8 months).
- 26. It is uncontroversial, for example, that businesses operating in other tourist locations across Australia may also have their own unique capital costs, they may experience fluctuations because of weather conditions, they may be impacted by seasonality, they may utilise high levels of casuals and they may require flexibility in terms of working hours.
- 27. The SDA submits that the General Industry Awards strike the right balance and provide the requisite fair and relevant minimum safety net, together with the National Employment Standards, of terms and conditions for employees in these industries. There is no valid justification, consistent with the modern awards objective, for there to be a separate standard applicable for alpine resort operators with respect to retail, fast food and hair and beauty workers.
- 28. These submissions now address each of the factors referred to in the modern awards objective.

***Relative living standards and the needs of the low paid***

- 29. Retail, fast food and hair and beauty employees covered by the Alpine Resorts Award are low paid workers.
- 30. Under the Alpine Resorts Award, they are not entitled to any penalty for evening and weekend work and they have a lower base rate of pay as compared with the General Industry Awards.
- 31. The effect is harsh and self-evidently negatively impacts on their relative living standards and on their capacity to meet their needs.

32. The SDA strongly submits that their needs are better met by the General Industry Awards. The SDA's proposed variation to coverage appropriately takes this factor into account. This criterion should be afforded significant weight.

***The need to encourage collective bargaining***

33. Retaining the reduction in the safety net for employees in the retail, fast food and hair and beauty industries who are covered by the Alpine Resorts Award, is likely to discourage alpine resort operator employers from engaging in collective bargaining with their employees. As the Full Bench stated in its decision *4 yearly review of modern awards – Penalty Rates* [2017] FWCFB 1001, although a reduction in penalty rates may incentivise employees to engage in collective bargaining, a reduction in penalty rates may create a disincentive for employers to bargain [178].
34. The SDA submits that its proposed variation may encourage further collective bargaining between alpine resort operators and their employees who work in retail, fast food and hair and beauty.

***The need to promote social inclusion through increased workforce participation***

35. The SDA does not accept that the variation will see any reduction in the number of employees employed, or the hours the employees are required to work. In that sense, it cannot be said there will be any change in workforce participation.
36. The SDA submits that the proposed variation will have the effect of promoting social inclusion through increased workforce participation because each of the General Industry Awards already facilitate this.

***The need to promote flexible modern work practices and the efficient and productive performance of work***

37. As the Full Bench found in the 4 yearly review decision, although alpine resort operators employ persons across a large range of functions, including a number of specialised on-slope functions, the extent to which they may require employees to perform different functions at different times is “at least limited” (see [57] of the 4 yearly review decision).
38. The SDA submits that the majority of employees working in retail, fast food and hair and beauty, who are covered by the Alpine Resorts Award, are likely to work in these specific roles, rather than be required to perform other roles within the classifications they are employed.

39. The SDA submits therefore that the Alpine Resorts Award's unique flexibility arrangements (dual role and multi hiring arrangements) are unnecessary for employees engaged in retail, fast food and hair and beauty.
40. The SDA also submits that the seasonal employment provisions in the Alpine Resorts Award are unnecessary for retail, fast food and hair and beauty employees. Other businesses in alpine areas who are covered by the General Industry Awards are able to successfully conduct their businesses under these awards.
41. The General Industry Awards provide the flexibility required for alpine resort operators to conduct their business with respect to retail, fast food and hair and beauty, including through the utilisation of casual staff to assist them deal with the ebbs and flows brought about because of the weather and to respond to seasonal impacts.

***The need to provide additional remuneration for:***

- (i) ***employees working overtime; or***
  - (ii) ***employees working unsocial, irregular or unpredictable hours; or***
  - (iii) ***employees working on weekends or public holidays.***
42. The Alpine Resorts Award fails to provide any additional remuneration for employees working on weekends or evenings. It also provides a lower base rate for affected employees as compared with the General Industry Awards.
  43. It is untenable to suggest that there is no disutility for affected employees working weekends or unsociable hours. Further, as submitted above at paragraph [27], the ski season only occupies 4 months of the calendar year, yet the Alpine Resorts Awards applies across the entire 12 months. There are employees working across the entire calendar year who service expanding activities in alpine areas (e.g. mountain biking and hiking). Such employees receive no penalty rates, even in the ski off-season and when the alpine lift, in some locations, is not even operational.
  44. The Full Bench in the *Penalty Rates Decision* did not suggest there was no disutility for weekend work in the relevant industries considered in that case. This fact was observed by the Full Bench in the 4 yearly review decision in respect of the Alpine Resorts Award 2010 at [62] where it was said:

Accordingly the position may be taken to be that, after extensive review proceedings, the weekend penalty rate provisions in the *Hospitality Award*, the *Retail Award*, the *Fast Food Award* and the *Restaurant Award* have been determined to constitute a fair and relevant safety net in accordance with the modern awards objective.

45. The SDA submits that the General Industry Awards more appropriately compensate employees who work in retail, fast food and hair and beauty by providing additional remuneration for working unsocial hours and on the weekend.
46. This factor is supportive of the proposed variation and it should be afforded significant weight. The proposed variation will ensure that additional remuneration is provided to the affected employees working in retail, fast food and hair and beauty workers, something which is entirely absent under the Alpine Resorts Award.

***The principle of equal remuneration for work of equal or comparable value***

47. The expression ‘equal remuneration for work for equal or comparable value’ is defined in s 302(2) of the Act to mean ‘equal remuneration for men and women workers for work for equal or comparable value’.
48. As the Full Bench in the decision *4 yearly review of modern awards – Penalty Rates* [2017] FWCFB 1001 stated at paragraph [207] the appropriate approach to the construction of s 134(1)(e) of the Act is to read the words of the definition into the substantive provision such that in giving effect to the modern awards objective the Commission must take into account the principle of ‘equal remuneration for men and women workers for work for equal or comparable value’.
49. The SDA submits this a neutral factor in this case. Men and women workers are being equally prejudiced by the present application of the Alpine Resorts Award.

***The likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden***

50. Although it may be accepted that the proposed variation may result in an increase in employment costs - penalty rates would become payable - aside from this, there is unlikely to be any real impact to business in terms of productivity and the regulatory burden.
51. The SDA submits this is a neutral factor in this case.

***The need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards***

52. As submitted above at paragraph [38], alpine resort operators do not require the majority of their employees who perform work in retail, fast food and hair and beauty, to work in other roles. There is also no real difficulty associated with an employer needing to apply different modern awards depending on the work performed by the employee. For example, retail businesses apply the GRIA (for their retail functions) and also the Storage Services and Wholesale Award 2020 (at their distribution centres).

53. There is, however, overlap between the General Industry Awards and the Alpine Resorts Award for workers in the retail, fast food and hair and beauty industries. This creates confusion. There are retail, fast food and hair and beauty employees in alpine areas covered by the General Industry Awards who receive a superior minimum safety net of terms and conditions of employment as compared with their counterparts who do the same work but are covered by the Alpine Resorts Awards (simply because their employer is an “alpine resort operator”).
54. This overlap is unnecessary and the SDA’s proposed variation to coverage avoids this entirely: retail, fast food and hair and beauty workers will become covered by one award only, being either the GRIA, FFIA or HBIA.
55. The SDA’s proposed variation would ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards.

***The likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy***

56. Although the SDA’s proposed variation will result in a marginal increase in the wage costs for alpine resort operators, this will merely align the position of alpine resort operators with the wage costs incurred by other businesses across Australia in the retail, fast food and hair and beauty industries where the General Industry Awards apply.
57. It is submitted that those awards do not, to any *discernible* degree, adversely affect productivity, employment costs or the regulatory burden.

**Determination sought**

58. The SDA seeks a determination pursuant to s 157(1)(a) of the Act varying clause 4.1 of the Alpine Resorts Award to make plain that the Alpine Resorts Award does not apply to employees who perform work in classifications covered by the GRIA, FFIA and HBIA. The variation sought is specific to those affected employees. It does not otherwise seek to take issue with the coverage of the Alpine Resorts Award in respect of employees falling within other classifications covered by that Award.
59. The determination sought is to vary the Alpine Resorts Award by inserting the following sentence at the conclusion of clause 4.1:

“The Award does not cover employees covered by the following awards:

The General Retail Industry Award 2010

The Fast Food Industry Award 2010

The Hair and Beauty Industry Award 2010.”

**Filed on behalf of the SDA by AJ Macken & Co**

**Dated:** 24 July 2020

**D A Bruno**  
Counsel for the SDA

**ATTACHMENT A**  
**Alpine Resorts Award 2020 Comparison**

Prepared by the SDA as at 24 July 2020

Provision	Alpine Resorts Award	GRIA	FFIA	HBIA
<b>Base rate</b>	<b>\$20.83ph</b> Resort Worker Level 2 (cl.18.1)	<b>\$21.41ph</b> Level 1 (cl.17)	<b>\$21.41ph</b> Level 1 (cl.17)	<b>\$21.41ph</b> Level 1 (cl.17)
<b>Saturday loading</b>	Nil <b>\$20.83</b>	25% <sup>5</sup> (permanent) <b>\$26.76</b> (cl.29.4(c)) 50% (casual) <b>\$32.11</b> (cl.29.4(d))	25% (permanent) <b>\$26.76</b> 50% (casual) <b>\$32.11</b> (cl.25.5(b))	33% (perm & casual) <b>\$28.48</b> (cl.31.2(c))
<b>Sunday loading</b>	Nil <b>\$20.83</b>	50% (permanent) <b>\$32.11</b> 75% (casual) <b>\$37.47</b> (cl.29.4(c))	25% (permanent) (cl.25.5(c)) <b>\$26.76</b> 50% (casual) <b>\$32.11</b> (cl.25.5(c))	100% (Perm and casual) (cl.31.2(d)) <b>\$42.82</b>
<b>Evening work (Mon – Fri, after 6pm)</b>	Nil <b>\$20.83</b>	25% (permanent) <b>\$26.76</b> (cl.29.4(a)) 40% (casual) <b>\$29.97 (casual)</b> cl.29.4(b)	10% (perm) 35% (casual) (10pm-midnight) <b>\$23.55 (perm)</b> <b>\$28.90 (casual)</b> 15% (perm) 40% (casual) (midnight-6am) <b>\$24.62 (perm)</b> <b>\$29.97 (casual)</b> (cl.25.5(a))	Nil <b>\$21.41</b>
<b>Public holiday loading</b>	150% (perm & casual) Schedule C (except Snowsport Instructors)	125% (permanent) <b>\$48.17</b> 150% (casual)	125% (permanent) <b>\$48.17</b> 150% (casual)	150% (perm & casual) (cl. 35.4) <b>\$53.53</b>

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All percentages represent the additional payment. The dollar amount is the per hour base rate with the additional payment added.

<b>Provision</b>	<b>Alpine Resorts Award</b>	<b>GRIA</b>	<b>FFIA</b>	<b>HBIA</b>
	(cl.24.1) <b>\$52.08</b>	<b>\$53.53</b> (cl.29(4)(f))	<b>\$53.53</b> (cl.30.4)	
<b>Allowances</b>	<ul style="list-style-type: none"> <li>• Boot allowance (\$0.16 per hour, if required to wear)</li> <li>• Meal Allowance \$13.38</li> <li>• Equipment allowance (\$0.33 per hour, if required to use)</li> <li>• Protective clothing (reimbursement, if required to wear)</li> <li>• Airfare reimbursement (for ski instructors) (cl.21.3(e))</li> </ul>	<ul style="list-style-type: none"> <li>• Special clothing (\$6.25 per week, \$1.25 per shift)</li> <li>• Meal Allowance \$18.87</li> <li>• Excess Travelling costs</li> <li>• Travelling time reimbursement</li> <li>• Transport Allowance</li> <li>• Cold Work Disability Allowance</li> <li>• Recall Allowance (cl.20)</li> </ul>	<ul style="list-style-type: none"> <li>• Special clothing (\$6.25 per week, \$1.25 per shift)</li> <li>• Meal Allowance \$13.32</li> <li>• Excess Travelling costs</li> <li>• Travelling time reimbursement</li> <li>• Transport Allowance</li> <li>• Cold Work Disability Allowance (cl.19)</li> </ul>	<ul style="list-style-type: none"> <li>• Special clothing (employer will provide or reimburse for uniform)</li> <li>• Meal Allowance \$18.99</li> <li>• Excess Travelling costs</li> <li>• Travelling time reimbursement</li> <li>• Transport Allowance</li> <li>• Tool Allowance (cl.21)</li> </ul>
<b>Overtime (payment)</b>	Hours in excess of weekly ordinary hours Hours in excess of 10 per day, excluding meals Hours in excess of average of 38 per week over cycle 50% (1st 2 hours) <b>\$31.25</b> 100% (thereafter) <b>\$41.66</b> (cl 23.1(d))	Hours in excess of ordinary hours <b>Permanent</b> 50% (1st 3 hours) <b>\$32.11</b> 100% (thereafter) <b>\$42.82</b> 100% (Sundays) <b>\$42.82</b> 150% (public holidays) <b>\$53.53</b> <b>Casual</b> 75% (1st 3 hours) <b>\$37.47</b> 125% (thereafter) <b>\$48.17</b> (cl.29.2) 125% (Sundays) <b>\$48.17</b> 175% (public holidays) <b>\$58.88</b>	In excess of 38 hours in one week, five days per week (or six days in one week if following week ordinary hours worked on not more than 4 days), 11 hours in one day <b>Permanent</b> 50% (1st 2 hours) <b>\$32.11</b> 100% (thereafter) <b>\$42.82</b> 100% (Sundays) <b>\$42.82</b> 150% (perm) (public holidays) <b>\$53.53</b> <b>Casual</b> 75% (1st 2 hours) <b>\$37.47</b> 125% (thereafter) <b>\$48.17</b> 125% (Sundays) <b>\$48.17</b> 175% (perm) (public holidays) <b>\$58.88</b> (cl.26.1)	Hours in excess of ordinary hours <b>Permanent</b> 50% (1st 3 hours) <b>\$32.12</b> 100% (thereafter) <b>\$42.82</b> <b>Casual</b> 75% (1st 3 hours) <b>\$37.47</b> 125% (thereafter) <b>\$48.17</b> (cl.31.2)
<b>Overtime (TOIL)</b>	TOIL – the period of time off that an employee is entitled to take is the same as the number of <b>overtime hours worked</b> (cl.23.2(d))	TOIL – time off instead of payment for overtime will equate to the <b>overtime rate</b> (cl.29.3(c))	TOIL – time off instead of payment for overtime will equate to the <b>overtime rate</b> (cl.26.5)	TOIL – time off instead of payment for overtime will equate to the <b>overtime rate</b> (cl.31.3)