



# STATEMENT

*Fair Work Act 2009*

s.157 - FWC may vary etc. modern awards if necessary to achieve modern awards objective

## **Application to vary the Hospitality Industry (General) Award 2020** (AM2020/35)

JUSTICE ROSS, PRESIDENT  
DEPUTY PRESIDENT CLANCY  
COMMISSIONER BISSETT

MELBOURNE, 26 JUNE 2020

*Application to vary modern award to achieve the modern awards objective.*

[1] On 25 March 2020 we issued a Decision<sup>1</sup> granting a joint application filed by the Australian Hotels Association (AHA) and the United Workers' Union (UWU) to insert a new schedule, Schedule L—Award flexibility during the COVID-19 Pandemic, into the *Hospitality Industry (General) Award 2020* (the Hospitality Award).<sup>2</sup> The new schedule came into operation on 24 March 2020 and will cease to operate on 30 June 2020.

[2] This statement concerns an application to vary the Hospitality Award filed by the Australian Hotels Association (the Application). The parties have reached a consent position to extend the operation of Schedule L to 31 July 2020.

[3] Commission staff have prepared an [information note](#) on the impact of COVID-19 on employees and employers in the Accommodation and Food services sector.

[4] It is our *provisional* view, taking into account the relevant s.134 considerations, that the variation as proposed is necessary to achieve the modern awards objective.

[5] Any submission supporting or opposing the Application and our *provisional* view must be filed by **4pm on Monday 29 June 2020**. Submissions should be:

- sent to [chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au) and include the matter number in the subject line; and
- filed in word format.

[6] If no submissions are filed opposing the Application and our *provisional* view we will grant the Application and vary the Hospitality Award accordingly.

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<sup>1</sup> [2020] FWCFB 1574.

<sup>2</sup> We note that on 12 June 2020, what was previously the Hospitality Industry (General) Award 2010 was varied to become the Hospitality Industry (General) Award 2020.

[7] If any submissions are filed opposing the Application and our *provisional* views, then a hearing will take place at **11am on Tuesday, 30 June 2020 by telephone**.

[8] Any party who wishes to attend the hearing in relation to this matter should send an email to [Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au) specifying a name and contact telephone number by **4pm on Monday, 29 June 2020**.

[9] In the event that no submissions are filed opposing our *provisional* view then the hearing proposed for the morning of **Tuesday, 30 June 2020** will not be necessary and will be vacated.

PRESIDENT

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