

Classification structure in the *Restaurant Industry Award 2020*

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Table of contents

Introduction.....	1
Current classification structure.....	1
Award history.....	2
Background.....	2
Pre-reform awards.....	3
Attachment A—Extracts of relevant clauses.....	5

Introduction

This information note provides detail on the classification structure in the *Restaurant Industry Award 2020*, (the Restaurant Award) and sets out a brief history of the creation of the modern award.

Current classification structure

The classification structure in the Restaurant Award is set out in the following clauses:

- [14—Classifications](#)
- [18—Minimum rates](#)
- [Schedule A—Classification Structure and Definitions](#)

The Restaurant Award has 7 classification levels, an “*Introductory*” Level and Levels 1–6.

Levels 1–6 contain subsidiary classifications for:

- food and beverage attendants;
- kitchen attendants;
- cooks;
- clerical employees;
- storepersons;
- handypersons; and
- timekeeper/security officers.

The minimum rates of pay are set out in clause 18.1 and are expressed as weekly and hourly amounts. Schedule A provides the definitions for each of these classifications.

Extracts of the above clauses are set out at Attachment A to this information note.

Award history

Background

The Restaurant Award was created on 19 December 2008 by the Australian Industrial Relations Commission (AIRC) acting pursuant to the award modernisation request made by the Minister for Employment and Workplace Relations under s.576C(1) of the *Workplace Relations Act 1996 (the Act)* on 28 March 2008. The Restaurant Award commenced operation on 1 January 2010.

The Restaurant Award was initially considered as part of the priority industries/occupations during award modernisation under the 'Catering industry, Liquor & accommodation industry, Restaurants (including Clubs)' sector. The award modernisation Full Bench outlined in a decision issued on 19 December 2008 that a single modern award should be established to cover the whole of the hospitality industry, which included the restaurant, accommodation, resorts and gaming sectors. This was despite submissions from parties, including Restaurant and Catering Australia (RCA), that the restaurant industry was deserving of its own award.¹ In relation to the classification structure for a single hospitality award the Full Bench said:

'[120] In our view, the classification structure in the exposure draft is capable of accommodating the types of employees engaged in each sector. Whilst the structure is more extensive than appears in some existing awards, in order to accommodate the broader operation of the award, employers previously subject to a more confined structure should be able to readily identify and apply those classifications utilised in their establishments.'²

The Ministerial request was amended on 28 May 2009 to add the following paragraph in relation to the Restaurant and catering industry:

'27A. The Commission should create a modern award covering the Restaurant and catering industry, separate from those sectors in the hospitality industry providing hotelier, accommodation or gaming services. The development of such a modern award should establish a penalty rate and overtime regime that takes account of the operational requirements of the Restaurant and catering industry, including the labour intensive nature of the industry and the industry's core trading times.'

In response to that request, the award modernisation Full Bench received further submissions and proposals from interested parties as to what the scope and content of a modern award specific to the restaurant and catering industry should be.

The proposed restaurant and catering industry award was then dealt with in Stage 4 of the award modernisation process.³

In a decision issued on 25 September 2009⁴, the Full Bench dealt at length with the proposed restaurant award. In relation to the minimum wages and classification definitions in the proposed award it said:

'[208] The R&CA has proposed a limited number of classifications and minimum wages. Its draft provides only for cooking, waiting and bar staff. The LHMU has included classifications for clerical

¹ [\[2008\] AIRCFB 1000](#) at [113]-[121]

² [\[2008\] AIRCFB 1000](#) at [120]

³ [\[2009\] AIRCFB 640](#)

⁴ [\[2009\] AIRCFB 865](#)

employees, storepersons, security staff and handypersons, consistent with the Victorian Restaurants Award.

[209] We have included the broader range of classifications proposed by the LHMU in the exposure draft. We think it is preferable that a modern restaurant award cover as broad a range of employees as practicable. The fact that the additional classifications appear in the Victorian Restaurants Award suggests that such classifications are utilised in restaurants. We note that additional classifications are also found in State NAPSAs. As an example the NSW Restaurants Award contains reference to storage and handyperson functions. We invite comment on the practical necessity for the inclusion of all of the non-food and beverage classifications in the award.

[210] We note that the minimum weekly rates in the exposure draft are common to the R&CA and the LHMU drafts as are the junior and apprentice rates (percentages) and all have been included in the draft. The apprentice and junior rates reflect the rates in the Hospitality Modern Award, which were determined having regard to the diversity of rates in relevant federal awards and NAPSAs. That diversity is equally evident in relevant restaurant awards and NAPSAs. In our view, the same single sets of rates, which involve some increases and some reductions against particular awards and NAPSAs, is an appropriate outcome for the restaurant industry.

[211] We have also included the proficiency pay arrangements from the LHMU draft as they appear in the Victorian Restaurants Award. Some additional provisions in the LHMU draft have been included in the types of employment clause.⁷

In a decision issued on 4 December 2009⁵, the Full Bench declined to vary the classification structure in the Restaurant exposure draft as requested by RCA and the Australian Federation of Employers and Industries (AFEI). Instead, the Full Bench decided to maintain the current classification structure on the basis that it provides a broader range of classifications relevant to the industry. The Full Bench said:

[183] The RCA and AFEI proposed that the classification structure in the exposure draft, which was drawn from the Victorian Restaurant Award, should be replaced with the structure in the NSW Restaurant Award. They argued that this structure suits the industry better and that the structure in the exposure draft, coupled with the definition of “appropriate level of training” in cl.3, does not suit the operational requirements of the industry. An element of their submission was based on the rejection of a linkage between classification levels and qualifications on the basis that some qualifications may not be relevant to the work required in a restaurant. We are satisfied that the classification structure in the exposure draft should be maintained. As noted in our statement of 25 September 2009, it provides a broader range of classifications relevant to the industry. We have addressed the RCA’s concern about the linkage between classification levels and qualifications by altering the definition of “appropriate level of training” to refer to qualifications relevant to the classification in which an employee is employed, as proposed by the ACTU.⁶

Pre-reform awards

The classification structure in the Restaurant Award is based on the pre-reform award titled the ‘*Liquor and Accommodation Industry - Restaurants - Victoria - Award 1998*’⁶, and the Federal award that was in operation prior to this was the *Liquor and Accommodation Industry - Restaurants - Victoria - Award 1996*⁷. This award contained a similar classification structure to the pre-reform

⁵ [2009] AIRCFB 945

⁶ [AP787213CRV](#) – see clause 17

⁷ L0289

awards in the Hospitality Industry, in particular the *Hospitality Industry—Accommodation, Hotels, Resorts and Gaming Award 1998* and the *Hotels, Resorts and Hospitality Industry Award 1988*.⁸

Discussion around where the current classification structure under the Hospitality Award is derived is set out in the information note on the Classification structure in the *Hospitality Industry (General) Award 2020*.

In that information note, it is outlined that the classification structure in the *Hotels, Resorts and Hospitality Industry Award 1988*⁹ was introduced by consent in September 1990. An application was made to broadband the 36 classifications into 5 broad groups and 30 classifications. In decision (Print J0424) discussion occurred around the new classification structure to be inserted, in particular that it would introduce a new 'introductory' level of employee which meant an employee could move to the next level with only 3 months experience. Justice Munro held that the new classification structure should be trialled however was not satisfied with the level of the parties co-operation. Justice Munro said:

'The broadbanding now proposed to existing award classifications involves the combination into classifications within each of the five functional areas of what were for the most part classifications with identical pay rates.'¹⁰

The decision sets out the draft classification structure to be trialled.

The classification structure that existed prior to September 1990 is set out in [Print F3002](#).

⁸ See Print J4222

⁹ See Print J4222

¹⁰ Print J0424

Attachment A—Extracts of relevant clauses

‘14. Classifications

An employer must classify an employee covered by this award in accordance with Schedule A—Classification Structure and Definitions.

NOTE: The minimum rates applicable to the classifications in this award are in clause 18—Minimum rates.’

‘18. Minimum rates

18.1 Adult rates

An employer must pay an adult employee (other than an apprentice) the rate applicable to the employee classification specified in column 1 of **Table 3—Minimum rates** for ordinary hours of work as follows:

- (a) for a full-time employee, the minimum weekly rate specified in column 3 of **Table 3—Minimum rates**; or
- (b) for a part-time employee, the minimum hourly rate specified in column 4 of **Table 3—Minimum rates**.

NOTE 1: Adult employee is defined in clause 2—Definitions.

NOTE 2: Provisions for calculating rates for a junior employee are at clause 18.2.

Table 3—Minimum rates

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		740.80	19.49
Level 1	Food and beverage attendant grade 1; Kitchen attendant grade 1	762.10	20.06
Level 2	Food and beverage attendant grade 2; Cook grade 1; Kitchen attendant grade 2; Clerical grade 1; Storeperson grade 1; Door person/security officer grade 1	791.30	20.82

Column 1 Employee classification	Column 2 Employee stream and grade	Column 3 Minimum weekly rate (full-time employee)	Column 4 Minimum hourly rate
		\$	\$
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	818.50	21.54
Level 4	Food and beverage attendant grade 4 (tradesperson); Cook grade 3 (tradesperson); Clerical grade 3; Storeperson grade 3	862.50	22.70
Level 5	Food and beverage supervisor; Cook grade 4 (tradesperson); Clerical supervisor	916.60	24.12
Level 6	Cook grade 5 (tradesperson)	941.10	24.77

NOTE 3: Provisions for calculating rates for casual employees are at clause 11—Casual employees.

NOTE 4: Schedule B—Summary of Hourly Rates of Pay contains a summary of hourly rates of pay including casual, overtime and penalty rates.'

'Schedule A—Classification Structure and Definitions

A.1 Introductory level

Introductory level is for an employee who enters the restaurant industry and does not demonstrate the competency requirements of level 1. The employee remains at Introductory level for up to 3 months while undertaking appropriate training and being assessed for competency to move to level 1. At the end of that period, the employee moves to level 1 unless the employee and the employer mutually agree that further training of up to 3 months is required for the employee to achieve the necessary competency.

NOTE: Any disagreement arising from this provision must be dealt with in accordance with clause 34—Dispute resolution.

A.2 Food and beverage stream

A.2.1 Food and beverage attendant grade 1 means an employee who is engaged in any of the following:

- (a) picking up glasses; or

- (b) providing general assistance to food and beverage attendants of a higher classification not including service to customers; or
- (c) removing food plates; or
- (d) setting or wiping down tables; or
- (e) cleaning and tidying associated areas; or
- (f) receiving money.

A.2.2 Food and beverage attendant grade 2 means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- (a) supplying, dispensing or mixing liquor; or
- (b) assisting in the cellar; or
- (c) undertaking general waiting duties for food or beverages, including cleaning tables; or
- (d) receiving money; or
- (e) attending a snack bar; or
- (f) performing delivery duties; or
- (g) taking reservations and greeting and seating guests.

A.2.3 Food and beverage attendant grade 3 means an employee who has the appropriate level of training and is engaged in any of the following:

- (a) supplying, dispensing or mixing liquor; or
- (b) assisting in the cellar; or
- (c) undertaking general waiting duties for both food and liquor, including cleaning tables; or
- (d) receiving money; or
- (e) assisting in the training and supervision of food and beverage attendants of a lower classification; or
- (f) delivery duties; or
- (g) taking reservations and greeting and seating guests.

A.2.4 Food and beverage attendant grade 4 (tradesperson) means an employee who has the appropriate level of training and who carries out specialised skilled duties in a fine dining room or a restaurant.

A.2.5 Food and beverage supervisor means an employee who has the appropriate level of training, including a supervisory course, and who has responsibility for the supervision, training and co-ordination of food and beverage staff or for stock control for one or more bars.

A.3 Kitchen stream

A.3.1 Kitchen attendant grade 1 means an employee engaged in any of the following:

- (a) general cleaning duties within a kitchen or food preparation area and scullery, including cleaning cooking and general utensils used in a kitchen and restaurant; or
- (b) assisting employees who are cooking; or
- (c) assembling and preparing ingredients for cooking; or

(d) general pantry duties.

A.3.2 Kitchen attendant grade 2 means an employee who has the appropriate level of training, and who is engaged in specialised non-cooking duties in a kitchen or food preparation area, or supervision of kitchen attendants of a lower classification.

A.3.3 Kitchen attendant grade 3 means an employee who has the appropriate level of training, including a supervisory course, and who has responsibility for the supervision, training and co-ordination of kitchen attendants of a lower classification.

A.3.4 Cook grade 1 means an employee who is engaged in cooking breakfasts and snacks, baking, pastry cooking or butchering.

A.3.5 Cook grade 2 means an employee who has the appropriate level of training and who performs cooking duties such as baking, pastry cooking or butchering.

A.3.6 Cook grade 3 (tradesperson) means a commi chef or equivalent who has completed an apprenticeship or passed the appropriate trade test or who has the appropriate level of training, and who is engaged in cooking, baking, pastry cooking or butchering duties.

A.3.7 Cook grade 4 (tradesperson) means a demi chef or equivalent who has completed an apprenticeship or passed the appropriate trade test or who has the appropriate level of training and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties or supervises and trains other cooks and kitchen employees.

A.3.8 Cook grade 5 (tradesperson) means a chef de partie or equivalent who has completed an apprenticeship or passed the appropriate trade test or who has the appropriate level of training in cooking, butchering or pastry cooking and who performs any of the following:

(a) general and specialised duties, including supervision or training of kitchen employees; or

(b) ordering and stock control; or

(c) supervising other cooks and kitchen employees in a single kitchen establishment.

A.4 Administrative and general stream

A.4.1 Clerical grade 1 means an employee who is required to perform basic clerical and routine office duties such as collating, filing, photocopying, and delivering messages.

A.4.2 Clerical grade 2 means an employee who is engaged in general clerical or office duties, such as typing, filing, basic data entry and calculating functions.

A.4.3 Clerical grade 3 means an employee who has the appropriate level of training and who performs any of the following:

(a) operates switchboard, paging system and office equipment; or

(b) uses knowledge of keyboard and function keys to enter and retrieve data through a computer terminal; or

(c) copy types at 25 words per minute with at least 98% accuracy; or

(d) maintains mail register and records; or

(e) maintains established paper-based filing/records systems in accordance with set procedures including creating and indexing new files, distributing files within the organisation as requested and monitoring file locations; or

(f) transcribes information into records, completes forms and takes telephone messages; or

- (g) acquires and applies a working knowledge of office or sectional operating procedures and requirements; or
- (h) acquires and applies a working knowledge of the organisation's structure and personnel in order to deal with inquiries at first instance, locates appropriate staff in different sections, relays internal information, responds to or redirects inquiries and greets visitors; or
- (i) keeps appropriate records; or
- (j) sorts, processes and records original source financial documents (for example, invoices, cheques and correspondence) on a daily basis, maintains and records petty cash; prepares bank deposits and withdrawals and does banking,

and who has the appropriate level of training and also performs any of the following:

- (k) operates computerised radio telephone equipment, micro/personal computer, printing devices attached to personal computer or dictaphone equipment; or
- (l) produces documents and correspondence using knowledge of standard formats, touch types at 40 words per minute with at least 98% accuracy, audio types; or
- (m) uses one or more software packages developed for a micro/ personal computer to operate and populate a database, spreadsheet/worksheet to achieve a desired result; graph previously prepared spreadsheet; use simple menu utilities of personal computer; or
- (n) follows standard procedures or template for the preceding functions using existing models/fields of information; or
- (o) creates and maintains and generates simple reports; or
- (p) uses a central computer resource to an equivalent standard; or
- (q) uses one or more software packages to create, format, edit, proof read, spell check, correct, print and save text documents, for example, standard correspondence and business documents; or
- (r) takes shorthand notes at 70 wpm and transcribed with 95% accuracy; or
- (s) arranges travel bookings and itineraries, makes appointments, screens telephone calls, follows visitors protocol procedures, establishes telephone contact on behalf of executive; or
- (t) applies a working knowledge of the organisation's products/services, functions, locations and clients; or
- (u) responds to and acts upon most internal/external inquiries in own function area; or
- (v) uses and maintains a computer-based record management system to identify, access and extract information from internal sources, maintains circulation, indexing and filing systems for publications, reviews files, closes files, archives files; or
- (w) maintains financial records and journals, collects and prepares time and wage records, prepares accounts queries from debtors, posts transactions to ledger.

A.4.4 Clerical supervisor means an employee who has the appropriate level of training including a supervisory course and who co-ordinates other clerical staff.

A.5 Stores stream

A.5.1 Storeperson grade 1 means an employee who receives and stores general and perishable goods and cleans the store area.

A.5.2 Storeperson grade 2 means an employee who, in addition to the duties for a storeperson grade 1, may also operate mechanical lifting equipment such as a fork-lift or who may perform duties of more complex nature.

A.5.3 Storeperson grade 3 means an employee who has the appropriate level of training and who:

- (a) implements quality control techniques and procedures; and
- (b) understands and is responsible for a stores/warehouse area or a large section of such an area; and
- (c) has a highly developed level of interpersonal and communication skills; and
- (d) is able to supervise and provide direction and guidance to other employees including the ability to assist in the provision of on-the-job training and induction; and

who may perform indicative tasks such as:

- (e) liaising with management, suppliers and customers with respect to stores operations; detailing and co-ordinating activities of other storepersons and acting in a leading hand capacity for in excess of 10 storepersons; and
- (f) maintaining control registers including inventory control and being responsible for preparation and reconciliation of regular reports or stock movements, dispatches, etc.; and
- (g) supervising the receipt and delivery of goods, records, outgoing goods, responsible for the contents of a store.

A.6 Security stream

A.6.1 Doorperson/security officer grade 1 means a person who assists in the maintenance of dress standards and good order at an establishment.

A.6.2 Timekeeper/security officer grade 2 means a person who is responsible for the timekeeping of employees, the security of keys, the checking in and out of delivery vehicles or the supervision of doorperson/security officer grade 1 employees.

A.7 Handyperson

Handyperson means a person who is not a tradesperson and whose duties include performing routine repair work and maintenance for the employer's workplace.'