

FAIR WORK COMMISSION

MATTER NO. AM2014/305

Penalty Rates

Statement of Andrew Sanders

I, Andrew Sanders, student, 11 Richardson St, Hughesdale, in the State of Victoria say:

Personal Details

1. I was born on 30 January 1995.
2. I am single.
3. I currently live at my grandmother's house, where I have lived since I started university in 2013. My grandmother passed away last year. The estate is selling the house, so I will be moving back to my parents' house in the next few weeks.
4. I lived with my grandmother because I could not work enough to support myself out of home and maintain a fulltime study load. My parent's house was too far from university, so I lived with my grandmother, who lived closer.

Work History

5. I have worked in hospitality since about June 2014
6. I completed high school in 2012.
7. I am currently completing a Bachelor of Arts at La Trobe University.
8. I work in hospitality because my focus is on finishing my degree, so I cannot work full time. I do not earn very much money; I am hoping to finish my degree as soon as possible so I can start my life.
9. In 2012, I worked for six months at my local independent supermarket. I left to focus on my year 12 exams.

Filed on behalf of the Respondent
United Voice - National Office
303 Cleveland Street, Redfern, NSW 2016

Tel: (02) 8204 3050
Fax: (02) 9281 4480
Email: stephen.bull@unitedvoice.org.au

10. In my first year of university, I received the Youth Allowance payment. Because of this payment, I did not have to work and I studied full time.
11. In June 2014, I started a traineeship as a Food and Beverage Attendant with the Mint Group. I was working towards a Certificate III in Hospitality. The Mint Group provided food and beverage services for events at Crown Melbourne. I worked Thursdays, Fridays, Saturdays and Sundays. I was paid trainee wages under. I did not receive penalty rates, but was paid a flat over the Award rate of \$25.00 an hour.
12. In August 2014, my employer Mint Group acquired the contract to provide casual labour for Peter Rowland Catering.
13. In January 2015, Peter Rowland Catering terminated the contract with Mint Group, and my employment was transferred to Peter Rowland. This also meant that I lost my traineeship before achieving my qualification, which was disappointing. I am looking for a way to have my hours at Peter Rowland Catering credited towards my Certificate III.
14. I study at La Trobe part-time, which means I will study for longer. I will probably stay in the hospitality industry while I complete my BA, but I do not think I will be offered any more training. There is no career progression or opportunities for development.

Current Work

15. In January 2015, I started working at Peter Rowland Catering as a casual Food and Beverage Attendant. Peter Rowland Catering is a catering company which provides food and beverage service for major events and venues in the Melbourne CBD.
16. I am employed under the *Hospitality Industry (General) Award 2010 (the Award)*. I am unsure of my classification, but because my base rate of pay on my pay slips is \$22.52 I believe I am classified under the Award as Level 1, Food and Beverage Attendant Grade 1.

17. Since the beginning of my tenure at Peter Rowland Catering I have mostly worked at the National Gallery of Victoria complex on St Kilda Road. Sometimes, I have worked at the National Gallery of Victoria at Federation Square.
18. I work mainly as a waiter and as a bartender, depending on what is needed on the day. This work can be physically demanding. I stand on my feet for up to 12 hours at a time. If I am working the bar, I will do a lot of bending and lifting. Sometimes I will be asked to carry heavy items. I must be polite and professional to all guests, no matter how tired I am.
19. I currently work an average of 18 hours each week, but my hours are highly variable.
20. I often work two days a week, Fridays and Saturdays. Sometimes I work on Thursdays or Sundays. Occasionally, I work another day of the week. My work depends on when events are held at the venues I usually work. I usually find out my shifts by text message, or by calling the HR department.
21. My shifts vary in length from 4 to 12 hours. I rarely know in advance how long my shifts will be. I tend to be told on the day during my manager's briefing, or by text the day before. Sometimes, events run overtime. I have to work until they are done.
22. My shifts start in the afternoon, and I regularly work late nights. I often finish between after midnight, but not later than 2.00am. I have to choose between working and studying. If I have class in the morning after I work late in the night, I am tired and I cannot focus.
23. I do not have a roster, because I am a casual. I get a text when my employer wants me to work. This makes it hard to plan my weeks. I know when I usually work, and I know that I will need to sleep the next day if I do, but I cannot be sure. This means it can be hard to study or complete assignments properly, because I will have to do it when I can, even if I am very tired.

The Impact of Weekend and Public Holiday Work

24. I find that people don't understand what it is like to work on the weekends. My friends will ask me why I can't take time off, or why I cannot work another night. I miss out on so many of the things my friends do. The nights I work are the nights people do things like go out to dinner, see movies, and have parties. When they go out, I am working. I do not get to go to birthdays. When I started it was worse, because I was invited to more events, but now people have stopped asking me to things.
25. Because I work late at night, I have to sleep late the next day to get enough sleep. If I have worked Friday or Saturday night then I lose half the next day because I am asleep. I then get up and go to work again. I regularly miss out on the things people do on the weekend. If I do not sleep in, I am too tired to really enjoy what I am doing.
26. My grandmother died recently, and it has been hard on my family. She held us together and we have to work on seeing each other. Every so often we will hold a family get together on a weekend, and I will usually have to forego this for work. I do not get to see my family otherwise. I would like to be able to see them more.

Income and Expenses

27. In an average week, working 187 hours over Friday and Sunday I earn between \$450 and \$480 gross. In that scenario, about 25 percent of my weekly take home pay comes from penalty rates.
28. My wages are my only source of income, but I do not earn enough to be truly independent. I currently live in the house owned by my grandmother's estate; I pay a reduced rent and contribute towards the bills. I pay for my groceries and other personal things.
29. I cannot afford to live away from my family, I cannot afford a car, and I cannot really afford to save. I wish I could be financially independent, but I have to complete my degree.

30. I am not currently eligible for Youth Allowance because my parents have started to earn more than the cut-off threshold.
31. The average weekly expenses of my household are approximately \$210, comprised of:

| | |
|-----------------------------|--------------|
| Rent: | \$50 |
| Household bills: | \$15 |
| Groceries: | \$60 |
| Transport: | \$25 |
| Other household expenses): | \$60 |
| Total: | \$210 |

Impact of Reduction in Penalty Rates

32. I have been shown the variation to the Award sought by Australia Hotels Association (AHA). I understand the AHA is seeking to have penalty rates on Sundays reduced from 175% to 150%. I also understand that the AHA is seeking to introduce a structure where different penalty rates are paid for different public holidays. On national public holidays my penalty rates would be cut from 275% to 175% and on Victoria only public holidays I would receive my normal casual rate.
33. I do not work every Sunday, but I expect to remain in the hospitality industry throughout my time at university. I expect that I will have to work regular Sundays in the future.
34. I have calculated that if penalty rates are reduced in this way, then I would lose approximately \$4.45 per hour if I work a Sunday shift, or \$40 a shift
35. I have calculated to earn the same amount as an hour's work on a Sunday, I would have to work an extra 1.5 hours on Saturday or an extra two hours on Thursday or Friday.
36. While I would be able to work those additional hours, it would cause problems with my study and my social life. I would miss out on more social and family events, and my grades would suffer. I know this because in the second semester of 2014 I was doing three subjects while working the same number of hours. I am expected to

commit 27 hours each week to my course, including class time, class preparation, and homework. I feel that my grades suffered because I don't have enough time. I am reducing my course-load to two subjects in the second semester of 2015; I hope that this will balance better with my work.

37. When I reduce the number of subjects I complete each semester, I only make my degree longer. I expect I will have to complete a master's degree after I graduate from my undergraduate degree. I do not want to sit around forever, I want a job and to get on with my life.
38. Even if I am available to work additional hours, I do not know if I will be offered additional hours by my employer. The National Gallery of Victoria can only host so many events, and that decides how many shifts I work. I have asked for work at other venues that have contracts with my employer, but they say that they prefer to keep the same people working at the same places.


Witness Signature

ANDREW SANDERS
Witness Name (printed)

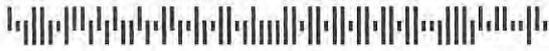
Date: 11/08/2015

ANNEXURE A

If undelivered, please return to
8 River Street, SOUTH YARRA VIC 3141

PETER ROWLAND

Company Name: PETER ROWLAND CATERING PTY LTD
Employee Number: CGNG0050308
Business Unit: PETER ROWLAND CATERING PTY LTD



347446-000560
3646 / CGNG0050308
Andrew Sanders
11 Merrill Street,
MULGRAVE, VIC 3170

| Award: Hospitality Industry (General) Award 2010 | 3210 NGV International Great Hall FOH | | | | | | | Pay Period: 29/06/2015 to 12/07/2015 |
|--|---------------------------------------|------|------|------|------|------|------|--------------------------------------|
| Grade (Rate) | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Total |
| F B Grade 2 (\$22.53 ph) | 8.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | \$180.24 |
| Unsociable 1 (\$1.96 ph) | 4.50 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | \$8.82 |

| Adjustment | Total |
|------------|-------|
|------------|-------|

| Allowances | Total |
|------------|-------|
|------------|-------|

| Deductions | Total |
|------------|-------|
|------------|-------|

| Pay Disbursements | Total |
|-------------------|----------|
| Savings | \$189.06 |

| Leave (Hours) | Taken | Available |
|---------------|-------|-----------|
|---------------|-------|-----------|

| Super | Amount |
|-------|----------|
| | \$ 17.12 |
| | \$ 0.00 |

| Summary | Amount | YTD Amount |
|------------------|----------|------------|
| Total Gross Pay: | \$189.06 | \$189.06 |
| Total NET: | \$189.06 | \$189.06 |
| Total Taxable: | \$189.06 | \$189.06 |
| PAYG Tax: | \$0.00 | \$0.00 |
| | | \$ 0.00 |