

FAIR WORK COMMISSION

MATTER NO. AM2014/305

Penalty Rates

Statement of Rachel-Lee Louise Zwarts

I, Rachel-Lee Louise Zwarts, apprentice chef, 4 Dawe Court Willunga, in the State of South Australia, say:

1. I am a member of United Voice.

Personal Details

2. I was born on 22 April 1995.
3. I live at home with my parents.

Work History

4. I have worked in the hospitality industry since about 2010.
5. I have completed high school at Urrbrae Agricultural High School. I do not have any other qualifications yet.
6. I started as a kitchen hand in 2010 and continued to work as a kitchen hand until September 2013. I then started an apprenticeship as a chef.

Current Work

7. I began my apprenticeship with Hospitality Training Group (**HGT**) in around September 2013. I was placed at Balyana (Bedford) in the kitchen. It is a supported living accommodation facility for people with disabilities. I worked a rotating roster and undertook evening and weekend work.

8. HGT was then taken over by Career Employment Group (**CGT**). On around 18 May 2015, I started work at the Torrens Arms Hotel as a full-time first year Apprentice Chef.
9. My roster changes from week to week. I work 38 to 40 hours per week. I work split shifts and the days always change. I regularly work weekends.
10. I am employed under the *Hospitality Industry (General) Award 2010 (the Award)*. A first year Apprentice Chef receives an hourly rate which is 55% of a Level 4 Cook. My hourly rate under the Award is \$11.07 per hour.
11. I work split shifts each day. The first shift is five hours, from 10.00am to 3.00pm. The second shift is four and a half hours, from 5.00pm to 9.30pm.
12. Sometimes I get day off and then another day off later in the week. Sometimes I get two days off in a row. At other times I get three days off in a row. I like it when I get the three days off in a row because I can rest up before I get back to work.
13. I usually work the public holidays and I like to get the extra money that comes from penalty rates on Sundays and public holidays. The extra money makes up for the difficulty of working those days.

The Impact of Weekend and Public Holiday Work

14. Weekends and public holidays are the times I get paid the most so I try to work these days.
15. I am religious and working Sundays makes it really difficult to get to Church.
16. The main services are on Sunday morning. I usually work quite late in Saturday night and if I have to work on Sunday my shift starts at 10.00am so I can't get to the Sunday morning service.
17. I try to attend evening services when I can but it isn't the same. There are less people and it is not as much of a community. My family is not there at the evening services.

18. I don't get to see much of my family because by the time I get up after working late the night before they have gone to work. When I get home it is pretty late, well after 10.30pm, and they are in bed.
19. I don't really have much of a social life because I work most of the time.

Income and Expenses

20. In an average week I earn around about \$550 gross. My pay includes penalty rates for working after 10.00pm, and on weekends and public holidays. On an average week, with no public holidays, I think that penalties make up about 15-20% of my wage.
21. Attached and marked **Annexure A** are copies of my pay slips for the period 20 July 2015 to 2 August 2015.
22. I live with my parents but I give them money for rent, groceries, and household bills on a weekly basis. I also have a car loan. At some point, I will want to move out of home and my expenses will increase.
23. The average weekly expenses for me are approximately \$340.00, comprised of:

Rent – to my parents:	\$100.00
Household bills:	\$100.00
Groceries:	\$20.00
Car loan, petrol:	\$100.00
Other expenses:	\$20.00
Total:	\$340.00

Impact of Reduction in Penalty Rates

24. The variation to the Award sought by Australian Hotels Association (the **AHA**) has been explained to me. I understand the AHA is seeking to have penalty rates on Sundays lowered by 25%, on the eight identified public holidays by 25% for full and part timers, and on any other declared public holidays by 50% for full and part timers.

25. I have calculated that if penalty rates are reduced in this way, I would lose approximately \$2.77 per hour on Sundays, \$2.77 per hour on the eight identified public holidays and \$5.528 per hour on other declared public holidays.
26. On a nine and a half hour shift work on Sunday I would lose \$26.32 if the changes to the penalties were put in place. I am only paid a base rate of \$11.07 per hour. This means I would be working effectively two hours for no pay.
27. If the changes happen to the penalties it will really affect me because I don't get paid very much at the moment because I am an apprentice. Any reduction in pay will make it even harder for me to pay my bills and try to save.
28. I only have around \$50.00 to spend after my bills now. With my expenses and the pay I receive I struggle to save at all even though I still live at home. Without the penalty rates I will have hardly anything to spend or save; it doesn't seem fair because I work really hard.
29. I am already working a lot of hours. I can't work any more hours to make up for the money I will lose if penalty rates are reduced. I am only allowed to work 38 hours a week under my group training contract, so I cannot work more. If I do work overtime, I need to explain this to my training group. I am also expected to take time off, to keep my hours to 38.
30. If I wasn't being paid the penalties I would try not to work on Sundays because I would prefer to go to Church. The penalty rates make it worth my working. If I organised things with my head chef, I could probably get a roster which allows me to go to Church and not have to work Sundays.
31. I am worried that in the future, when I am a qualified Chef, this will really affect me because the Head Chefs work all the time. My career plans have been made on the basis that chefs earn a living wage and this includes penalty rates.
32. I really love cooking, I want to be a chef so if the penalty rates are changed, I won't change my career but it really will affect my finances and my ability to save, now and in the future.

ANNEXURE A

PO Box 490
WHYALLA SA 5600

Phone: (08) 86456800
Fax: (08) 86453718

ABN: 83066351029



Printed On: 04/08/2015

4580 Rachel-Lee Louise Swartz

**4 Dawe Court
WILLUNGA SA 5172**

*Super Contribution: \$49.32
Super Fund: Hostplus Pty Ltd

Annual Leave (Hours): 31.88 (Includes this Period)

----- * Please Note: Super Contributions are subject to thresholding where applicable.

Code	Item	Total	Rate	Taxable	Add	Ded
For Employment At: P & J Hurley Pty Ltd - Torrens Arms Hotel				Division:		
From Period 27/07/2015 to 02/08/2015				Pay Period: Weekly		Pay Method: EFT
Paid On: 04/08/2015				Hiring #: 5860		Payslip #: 159771
Name of Award/Agreement:						
CO.7 ALLOW	Cook Hotel after 7 Allowa	5.2500	\$2.0100	\$10.55		
CHEF.N	Chef Normal	19.2500	\$11.0709	\$213.11		
CHEF.T2	Chef Double Time	0.5000	\$22.1418	\$11.07		
CHEF.SATNR	Chef Saturday Normal (T1.	9.7500	\$13.5003	\$131.63		
CHEF.SUN75	Chef Sunday Normal (T1.75	9.0000	\$19.3741	\$174.37		
B.S 2-3HRS	Broken Shift 2-3 Hours	4.0000	\$2.5200	\$10.08		
Totals				\$550.81	\$0.00	\$0.00
Gross Wage				<i>(Taxable + Adds - Deds)</i>		\$550.81
Tax Rebate / Extra Tax						\$0.00
Less Tax						\$48.00
Nett Wage						\$502.81
YTD Gross				\$2,822.85		
YTD Tax				\$256.00	YTD Nett	\$2,566.85

Notes:

PLEASE NOTE it is mandatory to report all injuries, private and work related, immediately to Gerry Rozendaal WHS Manager CEG 0409866640.

PO Box 490
WHYALLA SA 5600

Phone: (08) 86456800
Fax: (08) 86453718

ABN: 83066351029



Printed On: 28/07/2015

4580 Rachel-Lee Louise Swartz

**4 Dawe Court
WILLUNGA SA 5172**

*Super Contribution: \$48.98
Super Fund: Hostplus Pty Ltd

Annual Leave (Hours): 28.96 (Includes this Period)

----- * Please Note: Super Contributions are subject to thresholding where applicable.

Code	Item	Total	Rate	Taxable	Add	Ded
For Employment At: P & J Hurley Pty Ltd - Torrens Arms Hotel				Division:		
From Period 20/07/2015 to 26/07/2015				Pay Period: Weekly		Pay Method: EFT
Paid On: 28/07/2015				Hiring #: 5860		Payslip #: 159476
Name of Award/Agreement:						
CO.7 ALLOW	Cook Hotel after 7 Allowa	5.5000	\$2.0100	\$11.06		
CHEF.N	Chef Normal	19.5000	\$11.0709	\$215.88		
CHEF.T2	Chef Double Time	1.0000	\$22.1418	\$22.14		
CHEF.SATNR	Chef Saturday Normal (T1.	10.0000	\$13.5003	\$135.00		
CHEF.SUN75	Chef Sunday Normal (T1.75	8.5000	\$19.3741	\$164.68		
B.S 2-3HRS	Broken Shift 2-3 Hours	3.0000	\$2.5200	\$7.56		

Totals	\$556.32	\$0.00	\$0.00
Gross Wage	<i>(Taxable + Adds - Deds)</i>		\$556.32
Tax Rebate / Extra Tax			\$0.00
Less Tax			\$50.00
Nett Wage			\$506.32
YTD Gross	\$2,272.04		
YTD Tax	\$208.00	YTD Nett	\$2,064.04

Notes:

PLEASE NOTE it is mandatory to report all injuries, private and work related, immediately to Gerry Rozendaal WHS Manager CEG 0409866640.