



AM2014/305
PENALTY RATES CASE

Submission by the
**Chamber of Commerce and Industry of
Western Australia**

8 February 2016

1. Pursuant to the revised directions handed down by the Full Bench on 4 February 2016 the Chamber of Commerce and Industry of Western Australia (**CCIWA**) provides the following written submissions in support of the employer led applications to vary penalty rate provisions within the awards subject to these proceedings.
2. Our submission focuses on the need to review Sunday and public holiday penalty rates within the retail and hospitality industry and draws from the findings of the Productivity Commission in its report into the Workplace Relations Framework (**Productivity Commission Report**)¹.
3. This material is supplemented by the views expressed by CCIWA retail and hospitality industry members, through an online survey on the effect of weekend and public holiday penalty rates on their business.² This material is not submitted as evidence. Rather, it is provided as indicative data on the views and experience of Western Australian employers in these industries.

Overview of Submissions

4. CCIWA supports the employer led applications to reduce the penalty rates within the following awards:
 - a. *Hospitality Industry (General) Award 2010 [MA000009];*
 - b. *Registered and Licensed Clubs Award 2010 [MA000058];*
 - c. *Restaurant Industry Award 2010 [MA000119];*
 - d. *Fast Food Industry Award 2010 [MA000003];*
 - e. *General Retail Industry Award 2010 [MA000004];*
 - f. *Hair and Beauty Industry Award 2010 [MA000005];*
 - g. *Pharmacy Industry Award 2010 [MA000012].*
5. We believe that these applications will result in the relevant modern awards providing a fair and relevant safety net taking into account the modern award objectives specified in s 137 of the *Fair Work Act 2009 (Cth)* (**FW Act**).
6. In particular, the current penalty rates for Sunday work reflect out-dated cultural norms which contemplate Sunday as a day of rest and for religious observance, in which work was to be discouraged.
7. However, cultural norms have since changed across the bulk of Australian society. While for large parts of the workforce "*Saturdays and Sundays remain a focal point for community and family interactions*"³, there is no longer any significant distinction between the way people treat and view Sundays as opposed to Saturdays.

¹ Productivity Commission (2015) [Workplace Relations Framework \(Vol 1\)](#).

² The survey consisted of 99 completed responses by CCIWA members in the retail and hospitality industry. Appendix A provides an overview of the survey methodology and the results for retail employers are attached in Appendix B and for hospitality employers in Appendix C.

³ Productivity Commission (2015) Workplace Relations Framework (Vol 1), p436.

8. The changing way in which people spend their leisure time has also increased the demand for retail and hospitality services on Sundays and public holidays. This has resulted in successive Governments deregulating trading hours to match changing community expectations.
9. Access to weekend work has also provided greater employment opportunities for those people for whom these days are either their preferred days for working or the only days available to them.
10. This has resulted in weekend work in the retail and hospitality industry being dominated by full time students, for whom this work provides an income, as well as practical work experience that assists in their transition to full time work after completing their studies.
11. However the current regime of high penalties for work performed on Sundays and public holidays is limiting the number of jobs because of the impact it has on the operation of many retail and hospitality businesses.
12. For many, it has resulted in them choosing not to trade on these days or to open for fewer hours than they otherwise would.
13. For those businesses which do trade, it also impacts upon staffing levels: with many businesses rostering fewer staff; utilising cheaper less experienced junior staff; choosing to work the hours themselves; or enlisting the support of family members.
14. CCIWA members in the retail and hospitality industry have identified that a reduction in these penalty rates will have a positive impact on their employment decisions, both in term of how many people they employ and the number of hours offered to staff.
15. This will ultimately benefit part time and casual employees within these industries who will be able to access additional working hours denied to them as a result of the current penalty rates for Sunday and public holiday work.

The role of penalty rates in deterring weekend work

16. It is evident from early tribunal decisions that the intention of penalty rates within the award system has had a greater focus on discouraging work from being performed on certain days, than it has for compensating employees for that work.
17. In relation to penalty rates, Justice Drake-Brockman in the 1935 *South Australian Railways Case* stated that:

*“They are not imposed for the purpose of increasing the rates of pay. They are imposed for the purpose of discouraging employers from employing men under conditions likely to impair their health, or for the purpose of discouraging certain kinds of work, or working under particular conditions. A good example of that, perhaps, is the penal rate ordinarily imposed for overtime. The court does not give extra pay for overtime work because it wants to increase the amount of pay to the man, but for the purpose of discouraging employers from working overtime where it possibly can be eliminated”.*⁴

⁴ *South Australian Railways Case* [1935] 35 CAR 370, 372.

18. Whilst the above statement considers in detail the role of overtime rates, the perceived need to consider penalties for working on Sundays was identified in other early decisions. In the 1919 *Gas Employees Case* Justice Higgins stated that:

*“The true position seems to be that extra rate for all Sunday work is given on quite different grounds for an extra rate for work on the seventh day. The former is given because of the grievance of losing Sunday itself – the day for family and social and religious reunions, the day on which one’s friends are free, the day which is most valuable for rest and amenity under our social habits; whereas the latter rate is given because seven days per week for work are too many”.*⁵

19. Likewise, Commissioner Blackburn in the 1948/49 *Tramway and Gas Employees Case* observed that:

*“It is undeniable that, in our civilisation, Sunday, above all other days, is the recognised and accepted day of rest from labour. From the earliest Christian teaching to refrain from all unnecessary work and labour on Sundays, that day has been treated as a day apart and of different import from Saturday”.*⁶

20. It is clear from the above that considerations for additional penalties on weekends and public holidays are derived from the community norms of the time. It therefore follows that the issue of penalty rates should be subject to ongoing review and considered according to changes in community expectations and work practices.

21. The penalty rate structures applicable across a range of industries no longer reflect community expectations. Whilst for many people weekends still represent a time for relaxation and socialisation, the nature of modern society is such that people increasingly wish to spend that time engaging in activities such as shopping, visiting local tourist or entertainment activities, going to a restaurants, or meeting friends at a pub or nightclub. The changes in the way in which people wish to spend their free time requires businesses to be able to operate at the times that consumers want them to be opened. They should not be prevented from trading at those times due to penalty structures.

22. In the same way that community expectations have changed regarding the use of leisure time, so too have the needs of the workforce. Weekend work provides opportunities for many who are not able to work ‘standard’ hours, such as students and those with caring responsibilities. The growth in weekend work has allowed these employees to participate in the labour market and work hours that fit around their commitments.

23. It is the view of CCIWA that penalty rates should no longer seek to act as a deterrent to work being performed on a weekend or public holiday. This perspective has also been recognised by the Australian Council of Trade Unions (ACTU) in its submission to the 2012 penalty rate application:

*“The ACTU does not seek to press any argument that penalty rates be retained to deter employers in these industries from rostering work in evenings and on weekends. We acknowledge that some industries operate in circumstances where weekend trading is a necessary part of business operations”.*⁷

⁵ *Gas Employees Case* [1919] 13 CAR 437, 469.

⁶ *Tram and Gas Employees Case* [1948 – 1949] 62 CAR 558, 564.

⁷ Australian Council of Trade Unions (8 October 2012) [Reply to applications concerning penalty rates in the 2012 Modern Award Review](#), p7

24. The level of penalty attached for the performance of work on a Sunday and public holiday is also substantially higher than that applied to other times. The Productivity Commission has identified that rates *“for Sundays appear particularly at odds with rates for times that are also important for social activities (evenings), and to an even greater degree for times that pose clearly demonstrated health risks (night shifts and rotating shifts). Evening/afternoon shift penalty rates can be as low as 10 per cent and night shift loadings as low as 15 per cent”*.⁸
25. In the retail and hospitality industry penalty rates for evening work range between 10 to 25 per cent, which emphasises the extent of the significant penalty attached to work performed on a Sunday and public holiday.
26. Consequently the question that arises is “what is the appropriate penalty that should be attached, if any, to compensate employees for working on a Sunday or public holiday in a modern context?”

Changing consumer expectations

27. Over the past thirty years there has been growing demand for retail services to be provided on Sundays and public holidays.
28. The Productivity Commission has identified that as social norms have shifted:

*“Shopping has become a recreational pursuit in its own right for families and friends, while shopping centres are places for social interaction more generally. In one survey, 39 per cent of people nominated the local shopping centre as the most important gathering place in their community, compared with 11 per cent for the local community centre, 16 per cent for a community park or sports ground and 19 per cent for a local club or hotel (McCrinkle et al. 2014). Many commercial services are inherently social in character — such as having a meal or a drink with others. Consequently, the increase in the number of businesses open on weekends has its own social spillovers”*⁹.
29. The move towards shopping centres as a hub for community interaction, not only impacts upon the retail industry, but also on the demand for hospitality and entertainment activities, which are increasingly located in or around these centres. Consequently there has also been an increase in the demand for restaurant and café services on a Sunday, in addition to the historically busy Friday and Saturday trade.
30. The following graph demonstrates the significant growth in Sunday retail trading, which has risen from less than 4 per cent of weekly retail sales in 1982 to 12.3 per cent of sales in 2014. Sunday trading is now only marginally below the level of trading experienced on many weekdays.¹⁰

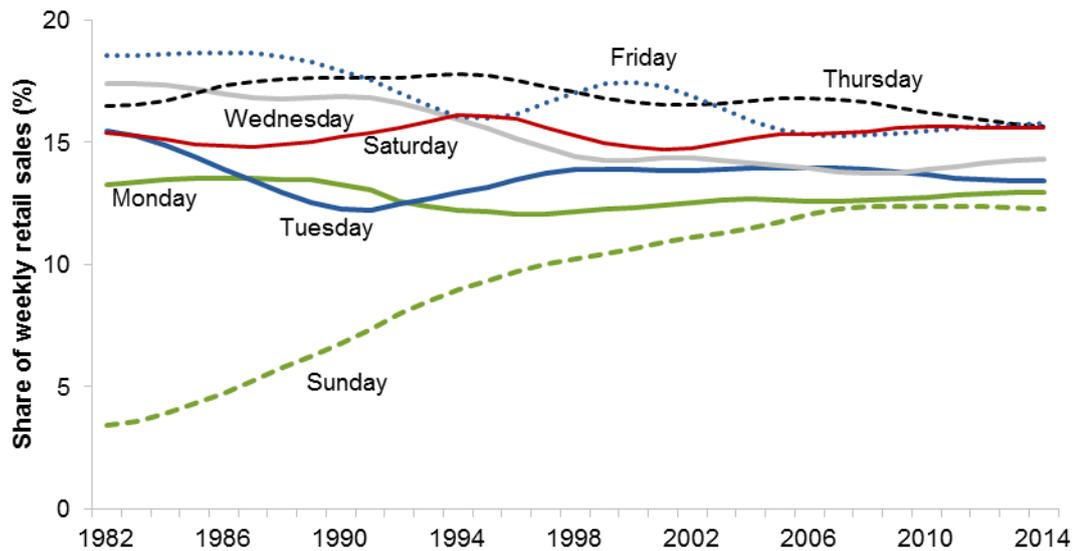
⁸ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)*, p 28.

⁹ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)*, p 431.

¹⁰ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)*, Figure 11.1, p 425.

Figure 1

Share of Weekly Retail Shares – 1982 to 2014



Based on estimating trading days effects on ABS monthly retail data.
 Source: Unpublished data provided by the ABS and based on Campbell and Chen (2015).

Monday		Friday	
Tuesday		Saturday	
Wednesday		Sunday	
Thursday			

31. To facilitate increasing demand for retail trading on Sundays and public holidays, successive state and territory governments have amended retail trading regulations which prevented trading on these days.
32. However the nature of the award system has meant that the regulation of weekend and public holiday penalty rates has not kept pace with the changing nature of service delivery within the retail and hospitality industry.
33. This is having a negative impact on employment opportunities for retail and hospitality employees, as demonstrated in the following graph which shows the share of employees working on given days by selected industry.¹¹

¹¹ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* Table 11.2, p429.

Figure 2**Who works when?**Share of employees working on given days by industry, 2008^a

Industry	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Varies
	%	%	%	%	%	%	%	%
ABS Forms of Employment Survey 2008								
Retail	29.4	15.3	57.3	57.4	57.5	61.2	58.6	20.1
Accomm & food	37.7	27.1	37.3	42.7	46.5	49.2	52.8	28.8
Arts & recreation	23.9	14.2	53.1	54.2	54.7	54.8	53.4	28.6
Rental & personal services	27.8	10.7	67.8	71.5	75.8	77.4	71.9	12.0
All other	10.1	5.8	81.2	82.2	82.2	82.2	79.9	12.3
ABS Time Use Survey 2006								
All HERRC industries	43.1	27.9	58.1	61.1	63.2	67.5	67.1	na
Other industries	22.7	12.2	72.5	85.2	88.5	87.9	82.7	na

^a The industry groups are defined as above. The ABS Time Use Survey will pick up people who sometimes work weekends because this captured under 'varies' in the Forms of Employment Survey.

Sources: Analysis of unpublished data from the 2008 ABS *Forms of Employment* and 2006 *Time Use* CURFs.

34. The above table shows that the proportion of staff who work on a Sunday in the retail and hospitality industries is significantly lower than the proportion of employees who work on a Saturday.
35. In the case of retail employees 29.4 per cent of employees work on a Saturday compared to only 15.3 per cent who work on a Sunday. The 14.1 per cent reduction in the proportion of staff working on a Sunday is far greater than the difference in the share of retail sales between Saturday (15.6 per cent) and Sunday (12.3 per cent), as shown in Figure 1.
36. This is a clear indication that the higher penalty rates for Sunday work has a significant effect in reducing the number of employees who work on this day. However the true impact is higher, as the table disguises the underutilisation of employees who typically work fewer hours on Sundays and public holidays.

The impact of penalty rates on employment opportunities

37. The Productivity Commission has identified that:

"Given the characteristics of the demand for [hospitality, entertainment, retail, restaurants and café industries] goods and services, and the high labour shares in these industries ..., it seems very likely that there would be considerable growth in hours worked and, to a lesser extent, employment on Sundays from lowering penalty rates on these days".¹²

38. In considering the potential for increased effect on employment, the Productivity Commission noted that the impact of a penalty rate change on labour demand within the retail and hospitality industry is higher than what would otherwise be predicted for an economy wide change in wage rates. In reaching this conclusion, the Productivity Commission has taken into account:

¹² Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* Table 11.2, p479.

- a. the type of labour in these industries is generally low skilled, entry level roles, establishing few barriers in employing new staff given the low pre-requisites for employment;
 - b. there is a greater ability within these industries for employees to be substituted with owners and other family members, or through the greater use of automation. Owners currently work much longer than other employees¹³ and it can be expected that, if penalty rates are reduced, some business will rely less on business owners and more on employees for weekend work; and
 - c. the wage shock of a one-off change in penalty rates will have a substantially higher impact on employment than changes to the base rate of pay. Consequently the assumptions used in considering the effect of increases to the minimum wage on employment are not readily transferrable to amendments of this nature.¹⁴
39. The Productivity Commission also identifies that a decrease in penalty rates is likely to result in existing businesses increasing the hours of work available to existing employees.¹⁵ Given the large number of part time and casual employees this will help address the current underemployment within the industry. The FWC industry reports show that the average hours worked for part time employees in the retail industry is 16.8 hours per week and 15.3 hours for accommodation and food services industry. These are below the average of 17.3 hours across all industries.¹⁶
40. This indicates an underutilisation of part time employees that could be fulfilled if greater employment hours were available. This is reinforced by 53.7 per cent of award reliant employees in the accommodation and food services industry preferring to work more hours per week, as do 41 per cent of award reliant retail employees.¹⁷
41. The Productivity Commission also notes that the impact of lower penalty rates will prompt new businesses to enter these industries “*creating a second round stimulating impacts on the overall level of required labour*”.¹⁸ The relatively low barriers to establishing a business within the retail and hospitality industries means that new entrants are able to quickly adapt to changing market conditions that make the industry more competitive.
42. With the increasing number of online businesses, a change in weekend penalty rates would also improve the viability for these businesses to establish a brick and mortar shopfront, to address the limitations associated with a lack of physical presence that exists with online only retailing.¹⁹ This will also have a positive impact on creating new employment opportunities.

¹³ Fair Work Commission (2015) *Changing work patterns*, p10 shows that 54.6 per cent of business owners work both weekdays and weekends compared to 30.2 per cent of employees.

¹⁴ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* Table 11.2, pp 478-479.

¹⁵ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* Table 11.2, p474.

¹⁶ Fair Work Commission, (2015) [Industry Profile – Retail trade](#), Table 5.3,p39 and Fair Work Commission (2015) [Industry Profile – Accommodation and food services](#), Table 5.3, p28.

¹⁷ Fair Work Commission, (2015) *Industry Profile – Retail trade*, Table 7.8, p50 and Fair Work Commission (2015) *Industry Profile – Accommodation and food services*, Table 7.8, p61.

¹⁸ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* Table 11.2, p474.

¹⁹ Online businesses have a number of advantages associated with: lower set up and ongoing costs; 24 hour exposure; broader marketplace; and greater access to data. However there are also a number of disadvantages associated with: greater competition; less impulse sales; no passing foot traffic; limited opportunity to upsell; and no ability for customers to handle or try the product. Consequently many online retailers benefit from progressing from a purely online presence to also having a physical footprint which allows them to take advantage of both strategies.

43. The impact of penalty rates on businesses' decision to open and duration of trading hours can be seen in the table below, which compares the Sunday trading decision between Australian and New Zealand restaurants.

Figure 3²⁰

Opening hours of restaurants in Australia and New Zealand								
July 2015 ^a								
	Sydney	Melbourne	Brisbane	Canberra	Auckland	Wellington	Australia	New Zealand
Open all week (%)	49.2	63.8	51.3	48.0	70.4	65.3	55.0	69.8
Open on Sunday (%)	68.8	69.3	76.7	67.6	77.2	73.5	70.6	76.9
Open on Monday (%)	71.4	89.9	68.3	71.6	87.3	84.2	77.7	87.0
Average hours open per Sunday (hours) ^b	5.8	6.7	6.9	5.5	7.2	7.1	6.3	7.2

^a Based on a sample of outlets first listed in the tripadvisor listings of restaurants in the respective cities (undertaken in mid July 2015). Where opening hours were not disclosed, a web search was undertaken to find the opening hours. The sample size was 192 outlets for all cities bar Canberra and Wellington, which had sample sizes of 102 each. The Australian and New Zealand figures are the weighted average of the relevant cities, using city population shares as the weights. ^b Average hours open is an overall measure of hours of services available, including outlets that do not open. It is the single best measure of the availability of cafe and restaurant services on Sundays.

Source: PC data collection and data on city population from the ABS and Statistics New Zealand.

44. The table shows that in New Zealand, where penalty rates are not regulated, a greater proportion of businesses trade on a Sunday (76.9 per cent compared to 70.6 per cent) and New Zealand businesses are also more likely to be open all week (69.8 per cent compared to 55 per cent in Australia). The average number of hours that restaurants open for on a Sunday is also longer in New Zealand (7.2 hours) when compared to Australia (6.3 hours).
45. The Productivity Commission has identified that these results:
- “point to substantial differences in average Sunday opening rates in the two countries, which remain consistent with the dampening effects of penalty rates on weekend operations. To the extent that the differences reflect penalty rates, the results also imply employment effects in the relevant industries on Sundays. The comparison does not take account of any changes in staffing ratios, which may magnify the effect”.*²¹
46. A greater proportion of businesses being open on Sundays and public holidays, combined with longer trading hours, will create additional working hours for both current and future employees in these industries.
47. The above conclusions are reinforced by the views of CCIWA members in the retail and hospitality industries who have identified that their decision to employ less staff on a Sunday is a direct result of the significantly higher penalty rate imposed for work performed on that day.

²⁰ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)*. Table 14.1, p465.

²¹ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* p465.

48. CCIWA members in the retail industry who responded to our survey identified that, 32 per cent of businesses decided to close on Sundays, with a further 32 per cent stating that they reduced their opening hours on this day. This is significantly higher than the 26 per cent of respondents who identified that penalty rates had no influence on their decision to trade, with only 2 per cent identifying that penalty rates had a positive impact to open on Sundays.²²
49. In the case of hospitality members, the survey identified that 10.5 per cent of businesses decided to close on Sundays, with a further 27 per cent stating that they reduced their opening hours on this day. This is significantly higher than the 25 per cent of respondents who identified that penalty rates had no influence on their decision to trade, with only 2 per cent identifying that penalty rates had a positive impact to open on Sundays.²³
50. If Sunday penalty rates were reduced to the levels sought in these applications 10.5 per cent of respondents in the retail sector would choose open on Sunday and 31.5 per cent would open for more hours.²⁴ In the case of hospitality employers, 15.8 per cent would choose to open and 26.3 per cent would open for more hours on a Sunday.²⁵
51. The respondents also identified that this would generally have a positive impact upon their employment decisions. Of the retail members, 36.8 per cent identified that they would employ more staff whilst 21 per cent would opt to roster a staff member instead of working themselves.²⁶ Similar level of response was also recorded for hospitality members, with 37.9 per cent indicating that they would employ more staff, whilst 31 per cent would roster a staff member instead of themselves.²⁷
52. The direct comments of employers in these industries further reflect the impact penalty rates. In asking what impact Sunday and public holiday penalty rates has on their businesses, the comments overwhelmingly focus on their decision to open, the viability of trading on these days, a focus on reducing labour costs, and the increased hours worked by business owners.²⁸ The following highlights some of the views expressed:
 - a. We employ less staff and don't open the best operating hours for good customer service. Restricted hours leads to inconvenience for our shoppers;
 - b. Due to the impact of the penalty rates we tend not (to) award more hours to older, more experienced and sometimes deserving staff because the rates are too expensive for a small business to absorb. Running the business with minimal staff means we save on wages but sacrifice on customer service and efficient day to day tasks which ultimately would be benefiting the customer;
 - c. It has significantly increased our costs, not making it cost effective to open on weekends, even though our location dictates we need to open. We have had to reduce the number of public holidays we are open and has put huge pressure on the staff working those days as we can't afford to put more staff on even though it's busy, which has intern impacted our customer service;

²² Appendix B - Question 13

²³ Appendix C - Question 13

²⁴ Appendix B – Question 25

²⁵ Appendix C – Question 17, 21 &25

²⁶ Appendix B - Question 24

²⁷ Appendix C – Question 16, 20 &24

²⁸ Appendix B – Question 26 and Appendix C – Question 26.

- d. Being a small business owner it puts more pressure on the owners on having to work these days. It also becomes a safety issue as there is only you in the shop with no one else. When your store has a liquor outlet as part of this this makes you vulnerable (sic);
- e. As a caterer we quote jobs up front once penalty rates have been factored in, such a small percentage of patrons proceed with the quote. If rates were to be reduced it would enable us to secure more work and enable our company to grow;
- f. Penalty rates stop us employing more staff and stop us from rewarding our employees with above award pay where it is warranted (sic);
- g. We are unable to trade effectively, customer service suffers and we are lucky to break even. Only reason we trade is to try and maintain some market share by servicing our loyal customers;
- h. This has added extra costs that we can't recover as our customers don't want to pay extra even though wages go up each year;
- i. We do not open on these days, due to penalty rates;
- j. Due to expected penalty (sic) rates and our retail location we could not afford to be profitable at all with these penalty (sic) rates - we are forced to close;
- k. Had to employ juniors, work myself and reduce hours. Would love to employ more seniors, and open for longer as we are in an area that is high in tourist numbers;
- l. By the time you pay the penalty rates for staff along with increased penalty rates for opening hours (shopping centre), we barely break even on total costs vs income on weekend trade. In this day & age of 7 days a week opening hours, rates should be the same across the board. It doesn't mean the staff lose out on wages, they are still working their allocated days & getting days off during the week to replace those worked on weekends;
- m. I do not open on Sunday nor on public holidays directly because of the penalty rates;
- n. With the penalty rates in place it cost less just to close the business for those days rather than operate with at significant loss;
- o. It certainly affects profitability and discourages opening longer hours on Sunday and definitely deters us from opening on public holiday. It kills the economics of our business;
- p. Devastating, we cannot help those people who can only work on a weekend due to uni and other education so these people now do not have any income at all;
- q. In our industry (accommodation) we have no choice but to open and trade 365 days a year. Our guests expect to be able to book accommodation any day of the week and receive the same level of service and facilities regardless of what day they arrive. As a business we cannot charge any extra to stay on these days as the rooms are the same, available facilities are the same but I have to pay my staff more to work on these days. More often than not, these days are our lowest revenue days, yet have our highest expenses. Gone are the days of a regular Monday to Friday 9 to 5 job, yet our award is based on this antiquated system. It should offer more flexibility to suit our industry;
- r. I don't have a choice, I have to work those days to save wages;
- s. When you are paying staff over \$50 per hour on a public holiday and \$40 on a Sunday they have to make a lot of sales to cover the wages and some days you don't even cover the wage bill so that is why when we do open on a Sunday it is only for a few hours and we open on Sundays only for a limited period of the year;
- t. Turn away plenty of people who would be happy to work without penalty rates for weekends;

- u. Part of the problem is that you are asking what impact do penalty rates have on my business. The (negative) impact is actually on me and my family life. I work too many hours. The business itself is fine. I want to work less hours, I want to give more hours to staff and I have staff that want work more hours regardless of what day it is. If I did not work the hours I do and did employ staff to work Sunday's and Public holidays then the business would not survive. It is my family that penalty rates impact the most.
53. The views expressed by CCIWA members is reflected in the AWRS study, which showed that in managing changes to labour costs 72.7 per cent of award reliant retailers and 85.1 per cent of award reliant hospitality employers would implement strategies to manage or reduce the wage bill as a short term measure. The most commonly cited means for achieving this are:
- a. reducing the hours of casual staff in the case of 76.4 per cent of retailers and 84.7 per cent of hospitality employers;
 - b. reducing the number or length of shifts in the case of 59.8 per cent of retailers and 71.9 per cent of hospitality employers;
 - c. increasing the number of hours worked by the owners of the business in the case of 68.2 per cent of retailers and 77.5 per cent of hospitality employers;
 - d. increasing the number of hours worked by family members or volunteers in the case of 38.2 per cent of retailers and 47.2 per cent of hospitality employers; and
 - e. reducing the number of employees through natural attrition in the case of 67.4 per cent of retailers and 65.8 per cent of hospitality employers.²⁹
54. These strategies have a negative impact upon employees, the businesses and ultimately customers.

The effect on consumers

55. In our survey, CCIWA members in the retail and hospitality industry identified that strategies aimed at lowering wage costs on Sundays and public holidays has a detrimental impact on customer service, with:
- a. 81.5 per cent of retailers and 72 per cent of hospitality employers who employed less staff on these days reporting a negative impact on customer service;³⁰ and
 - b. 41.9 per cent of retailers and 61.5 per cent of hospitality employers who employed more junior staff on these days reporting a negative impact on customer service.³¹
56. Reduced levels of customer service have a compounding effect on employment opportunities within these sectors. Where a consumer receives a substandard experience on a Sunday this will not only influence their future purchasing decisions with that businesses, but may also influence their spending habits across the industry. For example, a customer who has repeatedly experienced poor service during Sunday breakfast at different restaurants, because of lower staffing levels, is less likely to consider breakfast dining in the future.

²⁹ Fair Work Commission, (2015) *Industry Profile – Retail trade*, pp58-59 and Fair Work Commission (2015) *Industry Profile – Accommodation and food services*, pp 47-48.

³⁰ Appendix B – Question 10 and Appendix C – Question 10.

³¹ Appendix B – Question 11 and Appendix C – Question 11.

- 57. Reduced customer demand ultimately has a negative impact upon working hours and job opportunities.
- 58. Consequently a reduction in Sunday and public holiday penalty rates will have both a short and long term impact upon employment. In the short term, employers will increase the number of staff that they engage on these days to meet existing demand. In the longer term, improved quality of service will encourage greater consumption of these services promoting further job opportunities.

Creating greater regional employment opportunities

- 59. The impact of Sunday and public holiday penalty rates is also more acutely felt in regional towns seeking to build their tourism infrastructure. Most retail and hospitality operations in these areas are small businesses, for which the impact of penalty rates is greater. As such they are more likely to choose to close, reduce operating hours and/or reduce staffing levels.
- 60. Decisions by individual businesses to restrict trading activities are more noticeable in regional towns given the smaller number of businesses in the area. The reduced range of services and attractions on offer on Sundays and public holidays detracts from the efforts made by these communities to attract people to visit.
- 61. This creates a missed opportunities, not only for businesses in regional areas, but also for local workers seeking greater employment opportunities. The impact of reduced employment opportunities in remote and regional areas is highlighted by a 2013 study conducted by Adelaide University’s Public Health Information Development Unit which measured the proportion of the population on unemployment benefits. The report found that the number of persons receiving unemployment benefits was substantially higher in regional and remote locations compared to major cities, with the distinction growing when consideration is given to those on long term unemployment benefits, as shown below:³²

Income Support		
	Unemployment beneficiaries	Long term unemployment beneficiaries
Major Cities	4.5%	3.5%
Inner Regional	6.4%	5.1%
Outer Regional	6.7%	5.3%
Remote	6.4%	5.0%
Very Remote	11.8%	9.5%

- 62. The impact of an increase in the number of working hours available to employees will be greater in regional communities given the reduced scarcity of alternative employment opportunities.

³² Public Health Information Development Unit, Adelaide University (2013), *Remoteness in Australia*, Income Support <http://www.adelaide.edu.au/phidu/current/graphs/sha-aust/remoteness/aust/income-support.html>

63. The frustration of businesses in regional areas is summed up through the following comments made by CCIWA members:
- a. We (the owners) work on Sundays and Public Holidays. We reduce operating hours and services offered accordingly. This is not good for our business or for the tourism industry as most others in our area do the same, resulting in little being open on public holidays and Sundays. It is just not viable to have staff working on a Sunday or Public Holiday even though our staff always want the hours and ask if they can work these days for their normal Monday to Friday rate (which we don't allow as we are not allowed to under the award);
 - b. It provides a disincentive to encourage any more than the basic hotel activity on these days, including special promotions, enhanced hotel offerings etc. We roster to a minimum which means the customer will (sadly) inevitably not have the value for money experience that we would prefer. Other offerings such as restaurants and other attractions are probably going to be closed which provides a similar disincentive for tourism, and also provides a disincentive to the development of additional tourism assets - all leading to missed job creation opportunities and the flow on economic impact;
 - c. They make it not viable to open. It also affects us attending shows in our rural area also;
 - d. The majority of my business is on public holidays and Sunday's. On public holidays we can have a massive trade and minimal profits, individual senior staff earn more than we do. In a tourist town, it would be reasonable to pay the same rate 7 days per week, a small penalty on holidays. This would allow us to employ more staff and provide tourist a better experience;
 - e. Had to employ juniors, work myself and reduce hours. Would love to employ more seniors, and open for longer as we are in an area that is high in tourist numbers;
 - f. My business is based in a small country town in a major tourist area. We must operate 7 days a week, and the penalty rates adversely affect my profitability and the decision of rostering. i (sic) usually roster myself on with juniors on the higher wage days i.e. Sundays & P/Hol's.³³

The use of new technology

64. The additional costs associated with employing staff within the retail and hospitality industries is also putting greater demand on employers to adopt alternative practices which reduce their need for employees.
65. Employees are currently facing greater competition for jobs from new technologies which are reducing the need for retail and hospitality employers to engage the same number of workers.
66. This threat on employment has been recognised by the Shop Distributive and Allied Employees Association (**SDA**) who have stated that:

"..vast changes in technology which have and continue to have a detrimental effect on employment numbers. The Retail Industry is at the forefront of new technology. The latest is self-service checkouts. This greatly reduces the need of staff to work registers. Instead one Supervisor can look after 12 registers at once. Adoption of technology will continue to see a reduction in actual hours worked and number of employees engaged"³⁴.

³³ Appendix B – Question 26 and Appendix C – Question 26.

³⁴ SDA (2015) [SDA Response to Productivity Commission Draft Report](#), p5

67. In the fast food industry, self-serve counters allow customers to order and pay for their meal using a computer interface, reducing the need for front counter staff.
68. The decreasing price of new technology, and the ease by which off-the-shelf products can be adapted to specific business needs, means that these options are not limited to large businesses. The same technology employed by the large fast food chains is also being successfully adopted into smaller restaurants, through the use of downloadable computer applications that allow customers to use their own smartphone to order and pay for their meal, either once seated at the table or before they arrive.³⁵
69. The Productivity Commission has also identified that the “most sweeping change, however, does not involve physical provision of goods and services” with “online provisions playing a much more important role” which reduces the need for brick and mortar establishments.³⁶
70. The higher costs associated with trading on Sundays, and public holidays, increases the attractiveness of new technologies.
71. However the use of technology to reduce staffing requirements is not inevitable. For many smaller operators a high level of employee interaction with customers provides a point of difference which increases their competitive advantage over larger businesses. Reducing penalty rates for working on Sundays and public holiday to more sustainable levels removes the impetuosity for many small or medium businesses to consider alternative service delivery models.

The impact of lower penalty rates on profits

72. It is commonly cited that any reduction in Sunday or public holiday penalty rates will result in employers benefiting from increased profits at the expense of their employees.
73. The Productivity Commission has identified that there is both a short-run and long-run impact on profits.
74. In the short term, the Productivity Commission has identified that:

*“Any changes in the cost of any inputs — up or down — must have at least short term impacts on the profitability of the relevant businesses as they do not usually instantaneously alter their input mix, drop prices or adapt in other ways. So the imposition of higher penalty rates resulting from award modernisation in some industries and jurisdictions would have had short term adverse effects on profitability, while the reduction of penalty rates, as recommended in this inquiry, would also provide short term additional profits to businesses. The duration of these profitability effects will depend on the specific circumstances of the market”.*³⁷
75. However the Productivity Commission believes that in the longer term, profitability of businesses in the retail and hospitality industry are unlikely to be affected by penalty rate levels and that:

³⁵ Examples of these applications include Qikserve <http://www.qikserve.com/index.php/demo/> ; YQme <https://www.yqme.com.au/>

³⁶ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* p433.

³⁷ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* p467.

“Effects on profits are not enduring at the industry level because two processes tend to restore normal levels of profitability. Higher rates of return on capital attract entry in industries, such as those in the [hospitality, entertainment, retail, restaurants and café industries], that do not face substantial business entry and exit costs.... This spreads existing customers among a larger number of businesses, and tends to lower returns.

Equally, in a workably competitive market (as is clearly the case in the [hospitality, entertainment, retail, restaurants and café] industries), existing businesses facing competition tend to lower average prices or increase the quality of the product to consumers by opening longer, increasing staff to customer ratios, or employing better qualified staff. Their business strategy will depend on market conditions. But, whether it is through price or quality effects, increased profits are ultimately transferred to consumers. The converse process applies when a regulatory shock adversely affects profits, with the failure of some businesses and the adaptation by others (such as by opening for reduced hours on Sundays).³⁸

76. The low barriers for new businesses and employees entering the retail and hospitality industries, would suggest that any short term profit gains are likely to be extremely limited in duration.
77. When considering the issue of profitability, it is also important to note that the FWC industry profiles show that profit margins within the accommodation and food service industries are lower relative to total selected industries, and in the case of retail trade significantly lower.³⁹
78. The below average return on investments within these industries acts as a barrier to investment, thereby limiting the opportunity for employment growth. This has a disproportionate effect on younger, less skilled, workers who frequently rely on these industries as a gateway into the workforce.
79. Consequently any increase to profit margins, as a result of a reduction in penalty rates, will improve the attractiveness of these industries to investors and as such is likely to result in a corresponding increase in employment opportunities.
80. However, it is also important to note that across most of the retail and hospitality industry, business survival rates are significantly lower than the average for all industries.⁴⁰ The survival of employers in the retail industry is further compounded by the significantly higher than average proportion of businesses that made a loss.⁴¹
81. It is therefore important to consider the positive impact that reduced penalty rates will have on the viability of the majority small businesses that make up this sector. The ability for these businesses to be able to engage the appropriate level of staff to work on weekends and public holidays will help ensure they are able: to operate on these days; provide the necessary level of customer service in order to remain viable; and increase employment opportunities.

³⁸ Productivity Commission (2015) Workplace Relations Framework (Vol 1) p467.

³⁹ Fair Work Commission, (2015) [Industry Profile – Retail trade](#), Figure 4.8,p20 and Fair Work Commission (2015) [Industry Profile – Accommodation and food services](#), Figure 4.2, p14.

⁴⁰ Fair Work Commission, (2015) [Industry Profile – Retail trade](#), Figure 4.14,p27 and Fair Work Commission (2015) [Industry Profile – Accommodation and food services](#), Figure 4.8, p21.

⁴¹ Fair Work Commission, (2015) Industry Profile – Retail trade, Figure 4.21,p32.

The social implications of weekend work

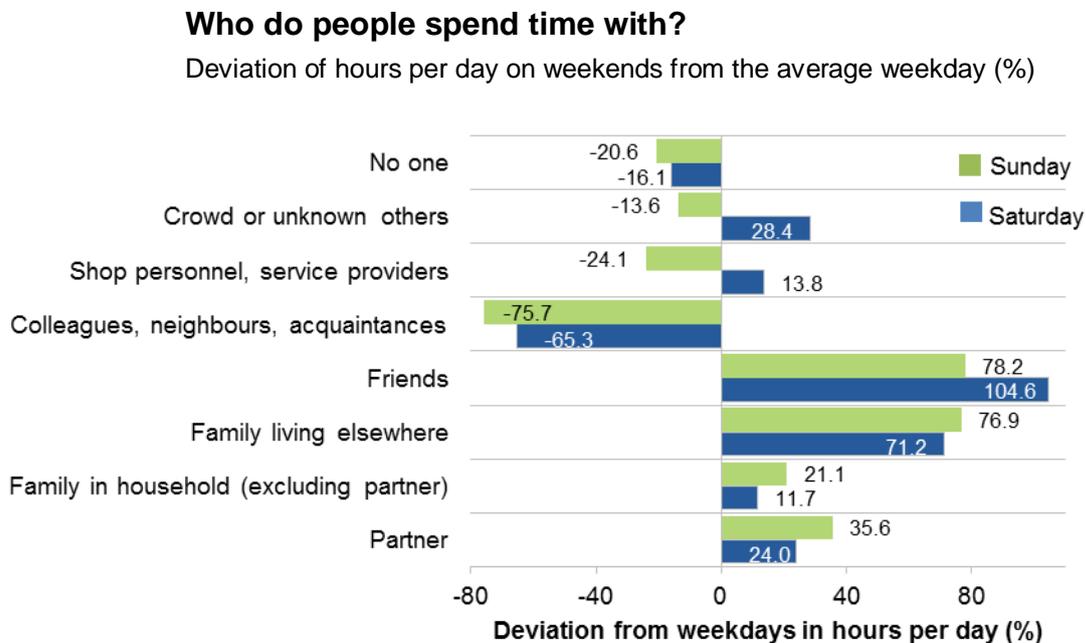
82. The current penalty rate system operates on the assumption that Sunday is a more significant day than Saturday, and as such penalty rates for work on a Sunday should be higher.

83. In considering the manner in which people engage in various social and community activities, the Productivity Commission identified that:

*“there is relatively little difference in the degree to which people engage in social activities between Saturdays and Sundays (compared with weekdays). There is some difference in the types of engagements, but the largest deviation in social activities between weekends and weekdays — ‘social and community interaction’ — is actually higher on Saturdays”.*⁴²

84. These conclusions are derived Australian Bureau of Statistics (ABS) analysis about how people utilised their time, as shown in the following tables:⁴³

Figure 3

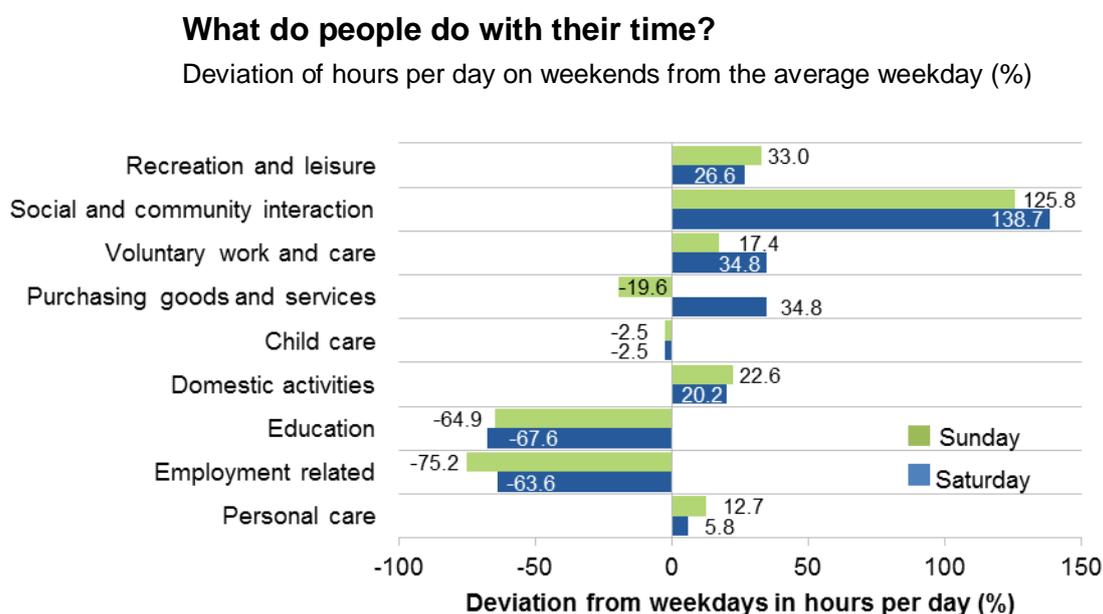


Source: ABS 2008, *How Australians Use Their Time, 2006*, Cat. no. 4153.0, February.

⁴² Productivity Commission (2015) *Workplace Relations Framework* (Vol 1) p437.

⁴³ Productivity Commission (2015) *Workplace Relations Framework* (Vol 1) p437.

Figure 4



Source: ABS 2008, *How Australians Use Their Time, 2006*, Cat. no. 4153.0, February.

85. Given the similarity in the way in which people utilise their time on both Saturdays and Sundays there appears to be no cognitive reason for attaching greater value to the Sunday.
86. The traditional argument for treating Sunday as a day of greater importance when compared to Saturday has been the traditional notion in Christian beliefs that Sunday is the day of rest and religious observance. We submit that the basis for this distinction is no longer true for the majority of the population.
87. The HILDA survey result shows that only 9 per cent of the population attend religious services on a weekly basis compared to 49.5 per cent of the population who never attend.⁴⁴
88. This is reflective of changing belief structures. In the 2011 census, 22.3 per cent of the Australian population indicated no religious beliefs (up from 15 per cent in 2001), being the second highest response below Catholicism at 25.3 per cent. Furthermore of those persons aged between 15-34, being the age group most likely to work in the retail and hospitality industry, the proportion of people with no religious beliefs was 28 per cent. There has also been an increase in the proportion of people subscribing to non-Christian beliefs from 4.9 per cent in 2001 to 7.2 per cent of the population in 2011.⁴⁵
89. In a secular multicultural country such as Australia, we contend that it is no longer appropriate for policy formation to be premised on the observance of particular religious beliefs. We submit that the penalty rate structure should not include additional consideration based on the status generally attached to Sundays under Christian beliefs.

⁴⁴ Fair Work Commission (2015) [Changing work patterns](#), p23.

⁴⁵ Australian Bureau of Statistics (2012) [Reflecting a Nation: Stories from the 2011 Census, 2012–2013](#) Cat # 2071.0.

Who works on weekends?

90. The increase demand for the provision of retail and hospitality services on weekends has:
*“created a new labour market for flexible labour, which is ideally suited to students wanting part time employment, especially during weekends (table 11.3) and to people with child caring responsibilities during weekdays. Over 90 per cent of employees who only work on weekends in the accommodation and food services industry are students”.*⁴⁶
91. Data from the HILDA surveys demonstrates the dominate role students have in the performance of weekend work, representing 92.5 per cent of all employees who work only on weekends in the accommodation and food services industry and 88.8 per cent of retail employees. Across all industries, students make up 76 per cent of employees who work on weekends only.⁴⁷
92. The Australian Work and Life Index (AWALI) survey conducted by the University of South Australia shows that across all industries younger workers aged 18-24 were more likely to work on evenings or weekends (57.8 per cent) than any other age group, and that in terms of household composition single employees without children were more likely to work these hours (42.7).⁴⁸
93. Furthermore, this study also identified that of those employees who receive penalty rates for working on weekends or evenings, 65.3 per cent do not rely on the additional rates for meeting household expenses. In the case of young workers (18-24 years) the proportion of employees who did not rely on penalty rates increased to 78.5 per cent.⁴⁹
94. This is reflective of the proportion of younger workers who live with their parents. The 2011 Census shows that 88 per cent of 15-19 year olds and 51 per cent of 20-24 year olds lived as a child in a one parent or couple family.⁵⁰ Consequently they are less likely to be solely reliant on the income generated through their employment to support their household expenses.
95. The AWALI survey supports this conclusion with 47 per cent of people working often or nearly always on weekends in the retail and hospitality industry living in households earning more than \$90,000 per annum.⁵¹
96. The concentration of workers aged between 15 and 24 years is greater in the accommodation and food services industry (45.6 per cent) and retail trade industry (33.4 per cent) compared to the ‘all industry’ average of 15.5 per cent. They also represent the largest age group for each of these sectors.⁵²

⁴⁶ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* p429.

⁴⁷ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* p430.

⁴⁸ Daly, T. 2014, [Evenings, nights and weekends: Working unsocial hours and penalty rates](#), Centre for Work + Life, University of South Australia, p9.

⁴⁹ Daly, T. 2014, [Evenings, nights and weekends: Working unsocial hours and penalty rates](#), Centre for Work + Life, University of South Australia, p14.

⁵⁰ Australian Bureau of Statistics (2015) [Household and Family Projections, Australia, 2011 to 2036](#). Cat # 3236.0.

⁵¹ Productivity Commission (2015) *Workplace Relations Framework (Vol 1)* p486.

⁵² Fair Work Commission, (2015) *Industry Profile – Retail trade*, Figure 5.2,p38 and Fair Work Commission (2015) *Industry Profile – Accommodation and food services*, Figure 5.2, p27.

97. The age of the workforce is also reflected in the level of educational attainment, with employees in retail and hospitality industry having substantially lower levels of educational attainment than the total workforce. The FWC industrial profiles show that over 50 per cent of workers do not have a non-school qualification, with only a small proportion having obtained a bachelor degree or above.⁵³
98. Young workers are also more likely to be unemployed, with youth unemployment rates consistently higher than the national average.
99. In considering the relevant compensation for weekend and public holiday penalty rates it is necessary to consider the demographics of the key groups who will be affected by any change.
100. The above statistics indicate that those persons working in the retail and hospitality industry on weekends and public holidays are likely to be:
- a. aged between 15 and 24 years;
 - b. single with no children;
 - c. a student with limited non-school qualifications; and
 - d. living with their parents.
101. This requires a different paradigm to be adopted in considering the impact of any reduced penalty rates for weekend and public holidays upon those workers in the retail and hospitality industry who work Sundays and public holidays.
102. For many young workers, employment in the retail and hospitality sector is their first experience of paid employment, providing practical workplace skills and experiences to supplement their formal studies. The experience benefits these employees in their transition from study to full time employment in their chosen career.
103. A longitudinal study into the effect of part time and casual employment during secondary schooling demonstrated this point, concluding that:
- “Labour market outcomes were also positive for student-workers, with a clear relationship between part-time employment while at school and a lower incidence of unemployment in the post-school years. It seems undeniable that Australian school students who have part-time jobs gain a knowledge of the labour market and develop skills and contacts which provide them with some advantage in that labour market, at least in the early years after leaving school. It can be concluded that having a part-time job while at school is one of the ways in which a young person can achieve a smoother transition into later full-time employment”.*⁵⁴
104. This study also identified that most *“students indicated that they worked not simply for financial reasons; they liked the independence their job gave them, they generally enjoyed the work, and believed that the experience of part-time work would help them obtain employment in later life”.*⁵⁵

⁵³ Fair Work Commission, (2015) Industry Profile – Retail trade, p43 and Fair Work Commission (2015) Industry Profile – Accommodation and food services, p31.

⁵⁴ Robinson, L (1999) [The effects of part-time work on school students](#). Australian Council for Educational Research, p35

⁵⁵ Robinson, L (1999) [The effects of part-time work on school students](#). Australian Council for Educational Research, pv

105. The relatively low level of skills and experience generally required to work in these industries combined with the range of available hours, makes employment attractive to students. It is also one of the few industries remaining in Australia that provides substantial employment opportunities for low skilled workers and the option of flexible work arrangements.
106. Consequently there are greater advantages to be derived by ensuring that weekend and public holiday penalty rates are established at appropriate levels to further encourage employment opportunities for young people within these industries. The benefit derived from this policy outweighs the potentially negative impact on the small proportion of individual workers who are reliant on the current penalty rate structure.

Submitted on behalf of the

Chamber of Commerce and Industry of Western Australia (Inc)

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8 February 2016

APPENDIX A

OVERVIEW OF CCIWA SURVEY

CCIWA undertook a survey of its retail and hospitality members for the purpose of establishing the views of business on the impact of penalty rates.

The survey was conducted through “*Survey Monkey*” and was available for completion online by participants from 3 August 2015 to 14 October 2015. The survey was advertised through CCIWA’s *Business Bytes*, a weekly e-newsletter emailed to approximately 8,500 WA businesses. CCIWA’s retail and hospitality members were also directly emailed an invite to participate in the survey on 4 August 2015.

Participation in the survey was non-mandatory, with 130 complete and 153 partial responses received. For accuracy, CCIWA has analysed complete responses only from respondents who identified themselves as being in either the retail or hospitality industry. This comprised of 50 complete responses from retail businesses and 49 complete responses from hospitality businesses.

The separation of the responses into the retail industry or hospitality industry was based on survey participants’ answers to Question 1 of the survey: “*Which industry category best describes your business*”. 31 participants selected “Other” in answer to Question 1, although it can be noted that the comments of some of those participants indicate they may fall within the retail or hospitality industries.

Of the survey participants, 54.62 per cent were business owners, 13.85 per cent were directors and 10 per cent were managers. CCIWA views these respondents as being well positioned to comment on the impact of penalty rates on their respective businesses. 47.69 per cent of all complete responses were businesses with more than 20 employees (including casual staff).

In terms of the structure of the survey, it should be noted that:

- Question 10, “*When you employ less staff due to penalty rates, does this impact upon customer service*”, was only asked of participants who selected that they employed less staff in response to question 9.
- Participants were asked to specify which modern award applies to the majority of their employees in Question 15. The available answers are based on the awards which are the subject of the current claim and of relevance to the majority of CCIWA’s retail and hospitality members. Those modern awards being:
 - *General Retail Industry Award 2010*;
 - *Fast Food Industry Award 2010*;
 - *Restaurant Industry Award 2010*; and
 - *Hospitality Industry General Award 2010*.

- Participants' answers to Question 15 determined the subsequent questions asked of them. Questions 16 to 25 of the survey were catered to the employer claims to reduce penalty rates in specific awards. Specifically:
 - Questions 16 to 19 relate to the employer claims concerning the *Fast Food Industry Award 2010* and *Restaurant Industry Award 2010*;
 - Questions 20 to 23 relate to the employer claims concerning the *Hospitality Industry General Award 2010*; and
 - Questions 24 and 25 relate to the employer claims concerning the *General Retail Industry Award 2010*.
- Where a question related to a modern award that the participant had not selected as being applicable to them, the participant was not asked to complete that question. For example, a participant who selected the *Fast Food Industry Award 2010* as being applicable to the majority of their employees was asked to complete questions 16 to 19, but was not asked to complete questions 20 to 25. This explains why some question results in the retail or hospitality survey summaries record a result of "No matching responses".

APPENDIX B
CCIWA PENALTY RATE SURVEY
RETAIL INDUSTRY

Q1 Which industry category best describes your business?

Answered: 50 Skipped: 0

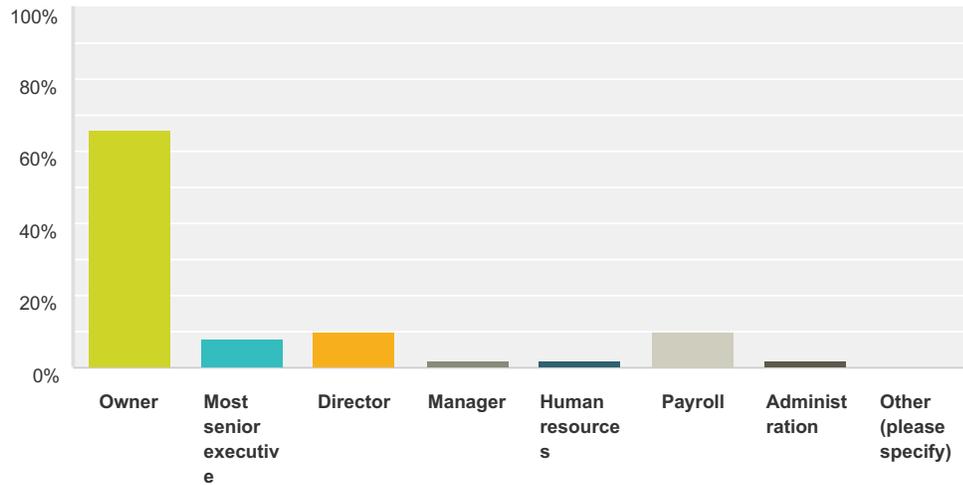


Answer Choices	Responses
Retail	100.00% 50
Hospitality	0.00% 0
Other (please specify)	0.00% 0
Total	50

#	Other (please specify)	Date
	There are no responses.	

Q2 What is your position in the business?

Answered: 50 Skipped: 0

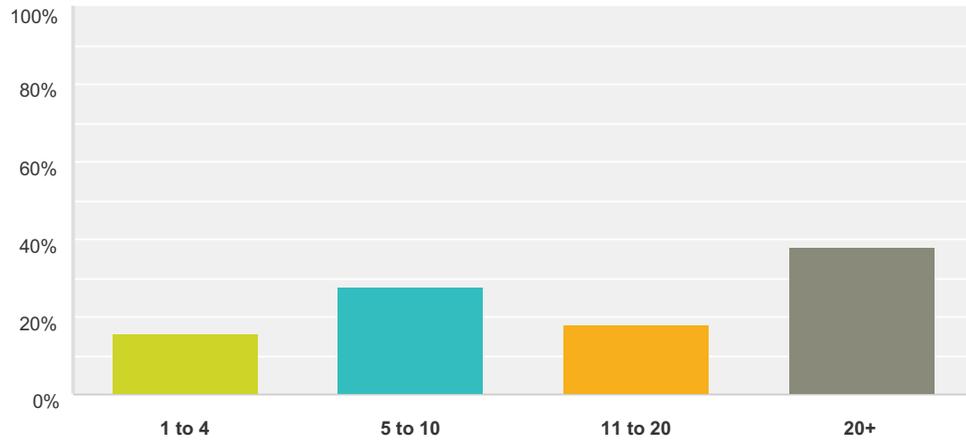


Answer Choices	Responses	
Owner	66.00%	33
Most senior executive	8.00%	4
Director	10.00%	5
Manager	2.00%	1
Human resources	2.00%	1
Payroll	10.00%	5
Administration	2.00%	1
Other (please specify)	0.00%	0
Total		50

#	Other (please specify)	Date
	There are no responses.	

Q3 How many staff do you currently employ (including casual staff)?

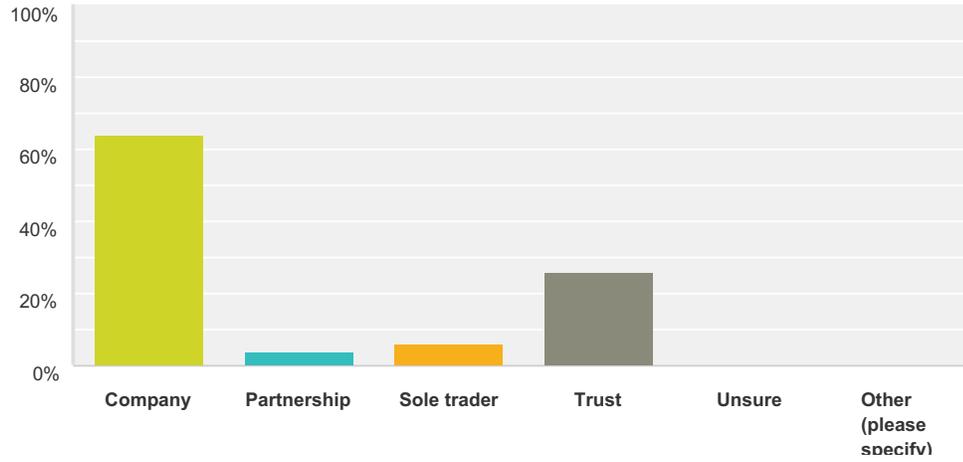
Answered: 50 Skipped: 0



Answer Choices	Responses	
1 to 4	16.00%	8
5 to 10	28.00%	14
11 to 20	18.00%	9
20+	38.00%	19
Total		50

Q4 How is your business structured?

Answered: 50 Skipped: 0

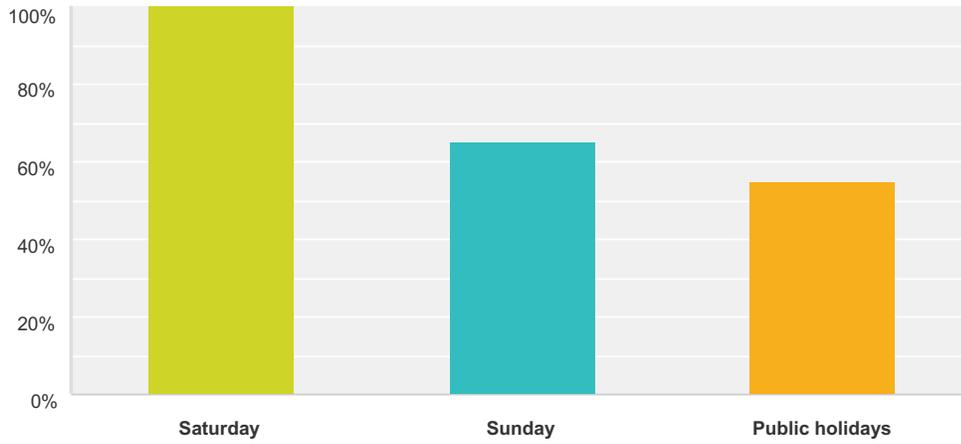


Answer Choices	Responses
Company	64.00% 32
Partnership	4.00% 2
Sole trader	6.00% 3
Trust	26.00% 13
Unsure	0.00% 0
Other (please specify)	0.00% 0
Total	50

#	Other (please specify)	Date
	There are no responses.	

Q5 Do you regularly trade on the following days (please select all that apply)?

Answered: 49 Skipped: 1

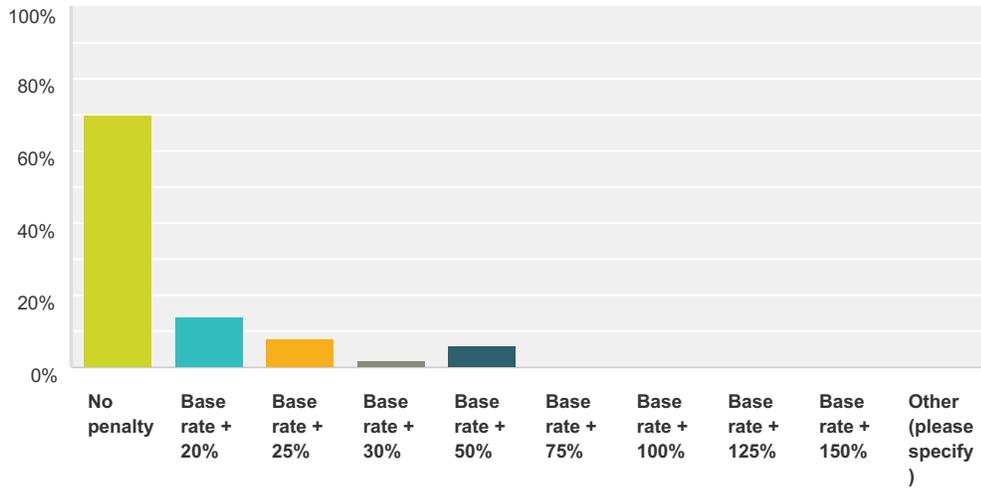


Answer Choices	Responses	
Saturday	100.00%	49
Sunday	65.31%	32
Public holidays	55.10%	27
Total Respondents: 49		

CCI Penalty Rates Survey

Q6 What penalty rate do you believe is appropriate for working on a Saturday?

Answered: 50 Skipped: 0



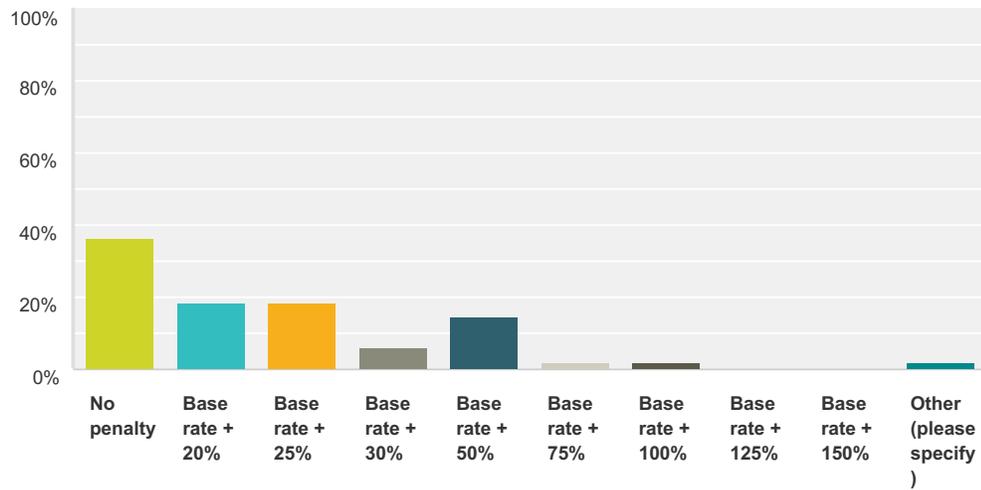
Answer Choices	Responses	
No penalty	70.00%	35
Base rate + 20%	14.00%	7
Base rate + 25%	8.00%	4
Base rate + 30%	2.00%	1
Base rate + 50%	6.00%	3
Base rate + 75%	0.00%	0
Base rate + 100%	0.00%	0
Base rate + 125%	0.00%	0
Base rate + 150%	0.00%	0
Other (please specify)	0.00%	0
Total		50

#	Other (please specify)	Date
	There are no responses.	

CCI Penalty Rates Survey

Q7 What penalty rate do you believe is appropriate for working on Sunday?

Answered: 49 Skipped: 1

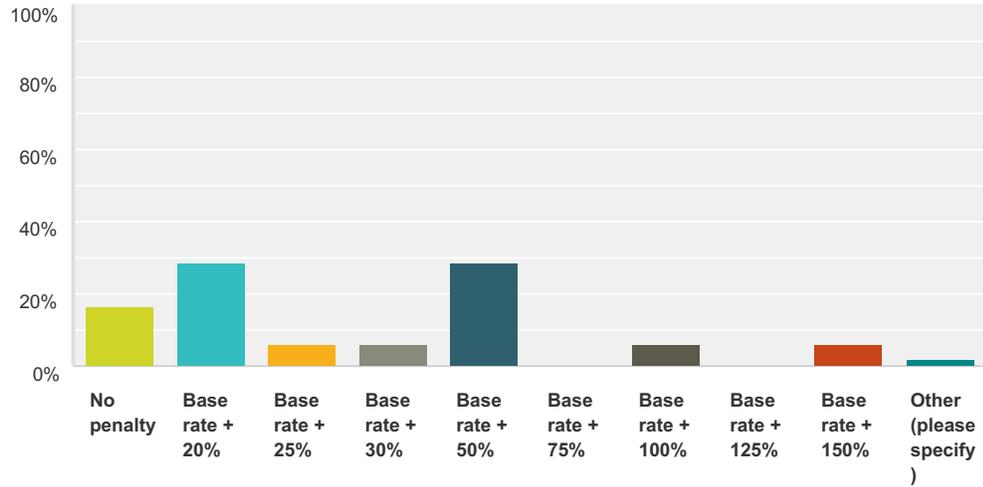


Answer Choices	Responses
No penalty	36.73% 18
Base rate + 20%	18.37% 9
Base rate + 25%	18.37% 9
Base rate + 30%	6.12% 3
Base rate + 50%	14.29% 7
Base rate + 75%	2.04% 1
Base rate + 100%	2.04% 1
Base rate + 125%	0.00% 0
Base rate + 150%	0.00% 0
Other (please specify)	2.04% 1
Total	49

#	Other (please specify)	Date
1	I JUST PAY \$40.00 per hour	8/4/2015 10:41 AM

Q8 What penalty rate do you believe is appropriate for working on a public holiday?

Answered: 49 Skipped: 1

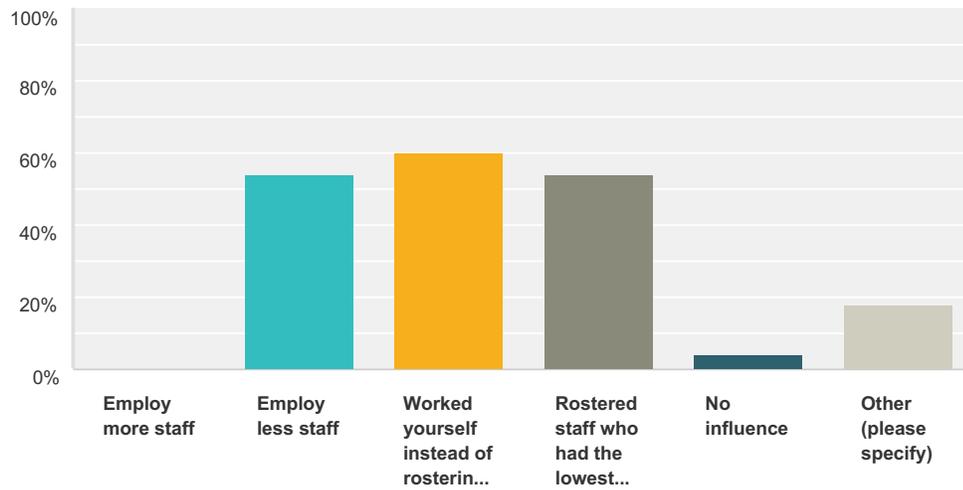


Answer Choices	Responses
No penalty	16.33% 8
Base rate + 20%	28.57% 14
Base rate + 25%	6.12% 3
Base rate + 30%	6.12% 3
Base rate + 50%	28.57% 14
Base rate + 75%	0.00% 0
Base rate + 100%	6.12% 3
Base rate + 125%	0.00% 0
Base rate + 150%	6.12% 3
Other (please specify)	2.04% 1
Total	49

#	Other (please specify)	Date
1	as above	8/4/2015 10:41 AM

Q9 What influence do penalty rates have on your decision to employ staff?

Answered: 50 Skipped: 0



Answer Choices	Responses
Employ more staff	0.00% 0
Employ less staff	54.00% 27
Worked yourself instead of rostering a staff member	60.00% 30
Rostered staff who had the lowest wages (e.g. juniors)	54.00% 27
No influence	4.00% 2
Other (please specify)	18.00% 9
Total Respondents: 50	

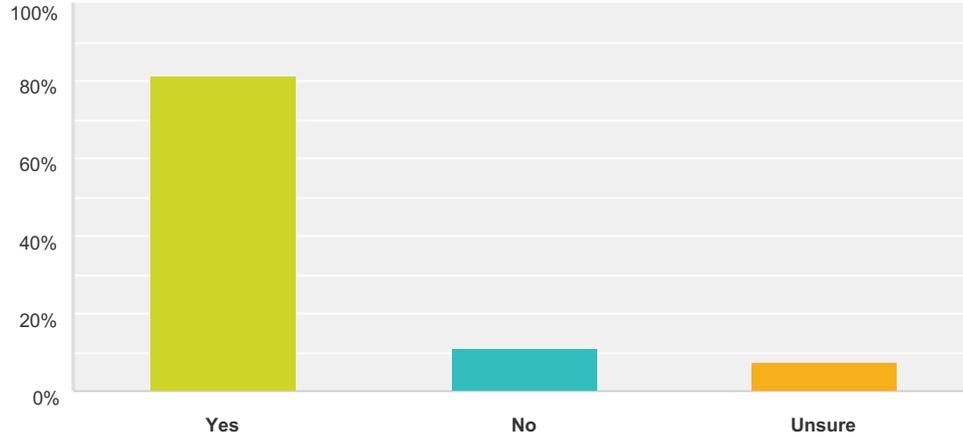
#	Other (please specify)	Date
1	The state and public are pushing to increase hours of open time on Sundays but can they bear the price rises associated with penalty rates? Wouldn't it be best for major income generation markets such as tourism to feel that they have received value in the item purchased rather than inflated pricing to cover staffing? Encourage them to spend their dollar in WA rather than keeping it in their pocket due to high prices!	10/6/2015 11:50 PM
2	Work Public Holidays ourselves	8/28/2015 5:42 PM
3	Currently we only open on Sundays and Public in three of our six stores as it is not viable in the other three.	8/17/2015 1:28 PM
4	Do not trade as we cannot charge customers for the extra cost it is for us at the moment	8/7/2015 1:22 PM
5	We do both at a detriment to ourselves and therefore long term for our business. We are killing ourselves to work hours where we should be able to afford to employ a senior on a regular, ongoing basis instead. Costs are ridiculously prohibitive to even consider doing this on a sunday & public holiday as things are.	8/4/2015 5:25 PM
6	Don't operate on days where penalties are applicable.	8/4/2015 3:23 PM
7	open shops for less hours, ie sunday 12-4 (we originally opened 11-5)	8/4/2015 1:00 PM
8	I would give more hours to staff and possibly hire more staff if penalty rates were less. I would then be able to work less hours and spend more time with my family.	8/4/2015 12:26 PM

CCI Penalty Rates Survey

9	<p>We are caught between rostering to simply open the store to meet our lease commitments and catering to traffic flow - mid week when no penalties apply we struggle to cut back on staff. Penalty rates occur on our busiest trade days (weekends). We are forced to hire junior casuals and under staff simply to remain profitable. This "casualization" of our team during the busiest trade days results in a less experienced / knowledgeable workforce. Ultimately we hire less people and overpay those that are working. WE WOULD HAVE NO TROUBLE FINDING WILLING WORKERS TO WORK ON A PUBLIC HOLIDAY FOR NORMAL TIME RATES let alone double time and a half!!!</p>	8/4/2015 11:08 AM
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Q10 When you employ less staff due to penalty rates, does this impact upon customer service?

Answered: 27 Skipped: 23



Answer Choices	Responses	
Yes	81.48%	22
No	11.11%	3
Unsure	7.41%	2
Total		27

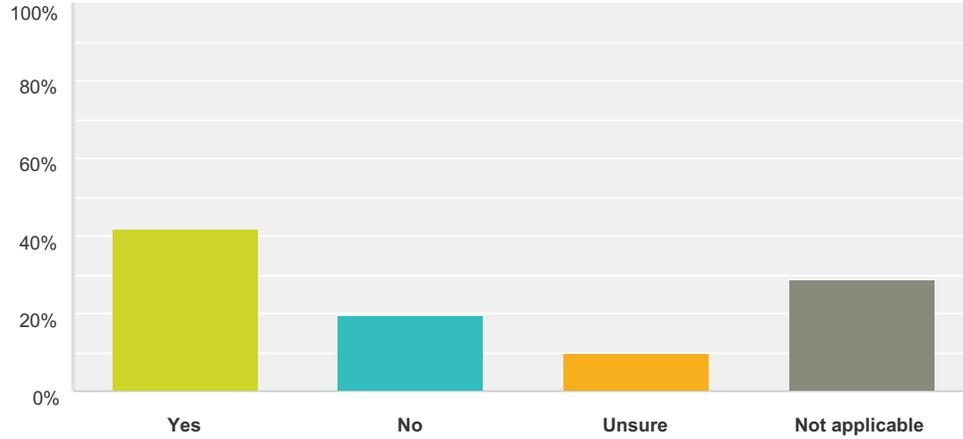
#	If yes, please explain how:	Date
1	Fewer bookings may be able to be taken or longer wait times	10/6/2015 11:51 PM
2	Less staff avail to serve the customer - Customer has to spend time waiting to be served.	10/4/2015 3:31 PM
3	Can't serve as many customers - waiting times increased	9/30/2015 10:30 AM
4	Shopping Centers and customers want us to be open but presently the economics just do not add up if we wish to keep our head above water	8/17/2015 1:38 PM
5	Customers are some unhappy	8/6/2015 6:01 PM
6	CUSTOMER SERVICE IS THE EXPLANATION, AS WELL AS OH&S	8/5/2015 9:56 AM
7	We cannot perform the same level of work on the days penalties are applicable and therefore can service less customers even though the customers prefer to use our services on the weekend.	8/4/2015 3:25 PM
8	unknown, we monitor closely	8/4/2015 1:01 PM
9	Possibly, because it is me working on my own. If I were not working I would have two staff member working.	8/4/2015 12:28 PM
10	Yes we are a fast fashion high unit sales footwear business that requires full service. (we are not self serve) Less staff means less personalised service. we are required to train our staff to serve multiple customers at once. In some of our stores we use a numbering system (like a deli) obviously we loose customers who don't want to wait. Less staff also impacts staff MORAL. All staff (in particular Junior staff) love the social interaction work provides. In MANY CASES our staff are required to work alone (particularly when another team member goes to lunch)	8/4/2015 11:43 AM
11	The result is not enough staff to service customers.	8/4/2015 10:36 AM
12	The business is understaffed to service the customers	8/4/2015 10:31 AM

CCI Penalty Rates Survey

13	It is very hard to identify traffic flow times in the stores hence if there is increased traffic flow on a certain day and we have not kept enough staff then this would impact on sales. If we keep more staff every time this increases our overheads especially when there is slow traffic in stores.	8/4/2015 10:13 AM
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Q11 If you employ more junior staff due to penalty rates, does this impact upon customer service?

Answered: 31 Skipped: 19

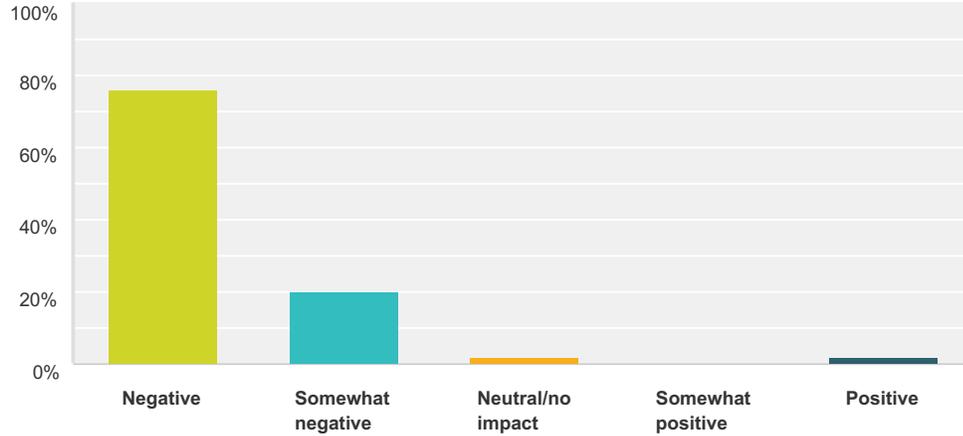


Answer Choices	Responses	
Yes	41.94%	13
No	19.35%	6
Unsure	9.68%	3
Not applicable	29.03%	9
Total		31

#	If yes, please explain how:	Date
1	Jnr staff have much less expertise in areas that cutomers come to shop to seek product knowledge about	10/4/2015 3:31 PM
2	We sell products that are best sold by people who are credible and when selling wellness products to mostly older clients they relate better to mature sales staff	8/17/2015 1:38 PM
3	LACK OF EXPERIENCE WHEN DEALING WITH CUSTOMER ISSUES.	8/5/2015 9:56 AM
4	Junior staff have a smaller attention span and tend to get distracted easily. They do not handle customer queries or complaints well and usually are more abrupt.	8/4/2015 3:38 PM
5	Most staff that work Penalty hours (weekends) are Uni kids or school kids - they are often ONLY available during those hours so training is difficult and far to expensive to conduct on weekends due to penalty rates.	8/4/2015 11:43 AM
6	Usually the service level is reduced as the junior staff lack the experience and training that comes with years in the workforce.	8/4/2015 10:36 AM

Q12 Please rate the impact of penalty rates on your business' productivity and profitability

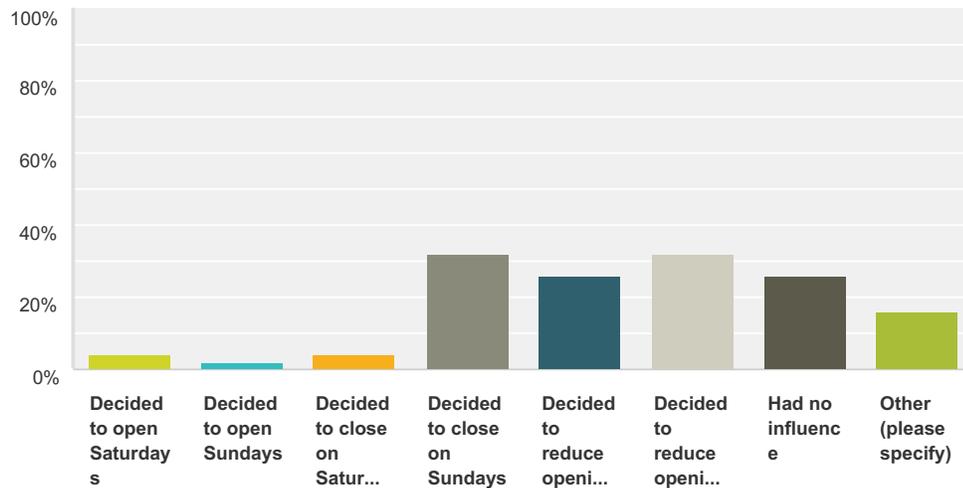
Answered: 50 Skipped: 0



Answer Choices	Responses	Count
Negative	76.00%	38
Somewhat negative	20.00%	10
Neutral/no impact	2.00%	1
Somewhat positive	0.00%	0
Positive	2.00%	1
Total		50

Q13 What influence have penalty rates had on your decision to trade on weekends?

Answered: 50 Skipped: 0



Answer Choices	Responses
Decided to open Saturdays	4.00% 2
Decided to open Sundays	2.00% 1
Decided to close on Saturdays	4.00% 2
Decided to close on Sundays	32.00% 16
Decided to reduce opening hours on Saturdays	26.00% 13
Decided to reduce opening hours on Sundays	32.00% 16
Had no influence	26.00% 13
Other (please specify)	16.00% 8
Total Respondents: 50	

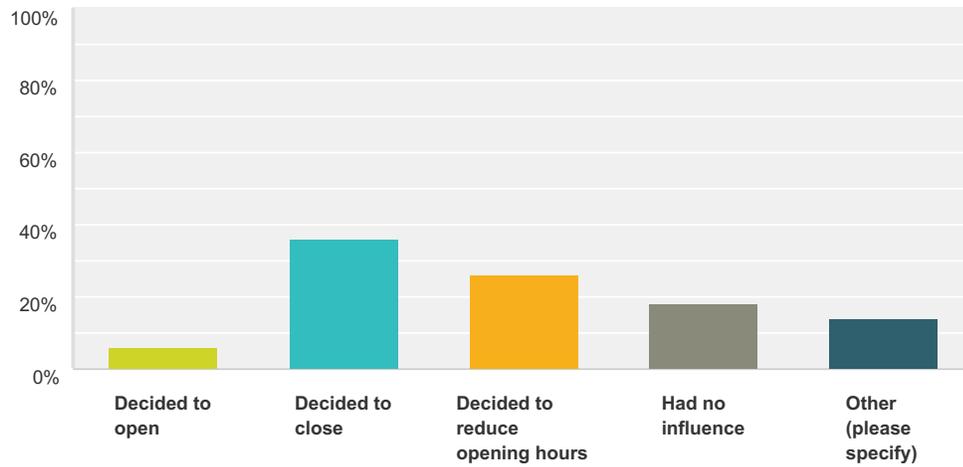
#	Other (please specify)	Date
1	At present considering to open on Saturday mornings though the decision is being impacted by the penalty rate issue.	8/31/2015 12:14 PM
2	Unfortunately as Saturday and Sunday are our busiest days we have no choice	8/28/2015 5:43 PM
3	We do not open some stores as doing so they will run at a loss. Exception Christmas	8/17/2015 1:39 PM
4	When seven day trading was introduced we had no choice but to open seven days or close up all together as our competition opened seven days. When the argument for seven day trading overcame the belief that weekends was family time then penalty rates should have been abolished at the same time.	8/5/2015 10:02 AM
5	Please see previous comments	8/4/2015 6:29 PM
6	We trade regardless of the penalty rates but we tend not award more hours to older, more experienced and sometimes deserving staff because the rates are too expensive for a small business to absorb. Running the business with minimal staff means we save on wages but sacrifice on customer service and efficient day to day tasks which ultimately would be benefiting the customer.	8/4/2015 3:44 PM
7	We have closed most of our country stores on Sundays as the cost outweighs the profit. We have reduced trading hours in select metro stores on Sunday however competition/market share prevents us from closing entirely.	8/4/2015 12:56 PM

CCI Penalty Rates Survey

8	<p>As a tourist business most of our revenue is weekends and public holidays. Penalising businesses opening these days is anti competitive against the rest of the world. Other industries (mining) work anywhere between eight to twenty one days, twelve hours a day swings. They expected to travel on their off days to and from work. We work a four to five day roster with two days off. As a destination we would become a cemetery on these days as it would become too expensive to open. Unemployment rates would sky rocket as effectively everyone would be working nine to five, Monday to Friday. Workplace regulation needs to be more balanced between business needs and employee wants. We used to have a good system, but now is over run by too many concessions. Government forgets that business owners have a worse work/life balance than their employees.</p>	8/4/2015 11:32 AM
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Q14 What influence have penalty rates had on your decision to trade on public holidays?

Answered: 50 Skipped: 0



Answer Choices	Responses
Decided to open	6.00% 3
Decided to close	36.00% 18
Decided to reduce opening hours	26.00% 13
Had no influence	18.00% 9
Other (please specify)	14.00% 7
Total	50

#	Other (please specify)	Date
1	Do not operate on Public Holidays though would not consider opening largely based on penalty rates.	8/31/2015 12:14 PM
2	When seven day trading was introduced we had no choice but to open seven days or close up all together as our competition opened seven days. When the argument for seven day trading overcame the belief that weekends was family time then penalty rates should have been abolished at the same time.	8/5/2015 10:02 AM
3	please see previous comments	8/4/2015 6:29 PM
4	we close some shops, & open others on reduced hours	8/4/2015 1:02 PM
5	see above	8/4/2015 11:32 AM
6	We have to reduce staff on public holidays	8/4/2015 10:33 AM
7	Don't always trade on P/Holidays	8/4/2015 9:53 AM

Q15 Which modern award applies to the majority of your employees?

Answered: 50 Skipped: 0



Answer Choices	Responses
General Retail Industry Award 2010	76.00% 38
Fast Food Industry Award 2010	0.00% 0
Restaurant Industry Award 2010	0.00% 0
Hospitality Industry General Award 2010	0.00% 0
Not sure (if not sure, please contact CCI's Employee Relations Advice Centre on (08) 9365 7660 for further information)	2.00% 1
Other (please specify)	22.00% 11
Total	50

#	Other (please specify)	Date
1	Amusement award	10/6/2015 11:52 PM
2	hairdressing award	9/30/2015 10:31 AM
3	Nursery Award 2010	8/7/2015 4:08 PM
4	WA Shop and Retail	8/5/2015 7:39 AM
5	Vehicle Manufacturing Repair Service and Retail Award 2010	8/4/2015 3:25 PM
6	EBA	8/4/2015 12:57 PM
7	WA State Award for Retail	8/4/2015 12:29 PM
8	we have work place agreements	8/4/2015 10:43 AM
9	Nursery Award 2010	8/4/2015 10:43 AM
10	Retail	8/4/2015 10:40 AM
11	shop and warehouse	8/4/2015 10:14 AM

Q16 If penalty rates were reduced to base rate + 25% loading on Sundays, what impact would this have on your staffing levels for that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Employ more staff	0.00% 0
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q17 If penalty rates were reduced to base rate + 25% loading on Sundays, what impact would this have on your opening hours on that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Would open Sunday	0.00% 0
Would close Sunday	0.00% 0
Open for more hours on Sunday	0.00% 0
Open for less hours on Sunday	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q18 If penalty rates were reduced to base rate + 50% loading on public holidays, what impact would this have on your staffing levels for that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Employ more staff	0.00% 0
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q19 If penalty rates were reduced to base rate + 50% loading on public holidays, what impact would this have on your opening hours on that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Would open public holidays	0.00% 0
Would close public holidays	0.00% 0
Open for more hours on public holidays	0.00% 0
Open for less hours on public holidays	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q20 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your staffing levels for that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Employ more staff	0.00% 0
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q21 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your opening hours on that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Would open Sunday	0.00% 0
Would close Sunday	0.00% 0
Open for more hours on Sunday	0.00% 0
Open for less hours on Sunday	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q22 If penalty rates were reduced to base rate + 125% loading on public holidays, what impact would this have on your staffing levels for that day?

Answered: 0 Skipped: 50

! No matching responses.

Answer Choices	Responses
Employ more staff	0.00% 0
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q23 If penalty rates were reduced to base rate + 125% loading on public holidays, what impact would this have on your opening hours on that day?

Answered: 0 Skipped: 50

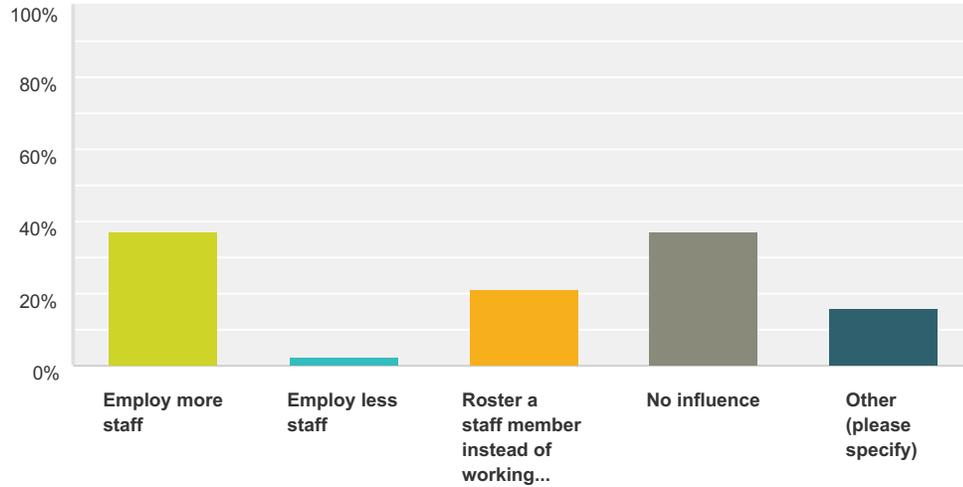
! No matching responses.

Answer Choices	Responses
Would open public holidays	0.00% 0
Would close public holidays	0.00% 0
Open for more hours on public holidays	0.00% 0
Open for less hours on public holidays	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 0	

#	Other (please specify)	Date
	There are no responses.	

Q24 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your staffing levels for that day?

Answered: 38 Skipped: 12

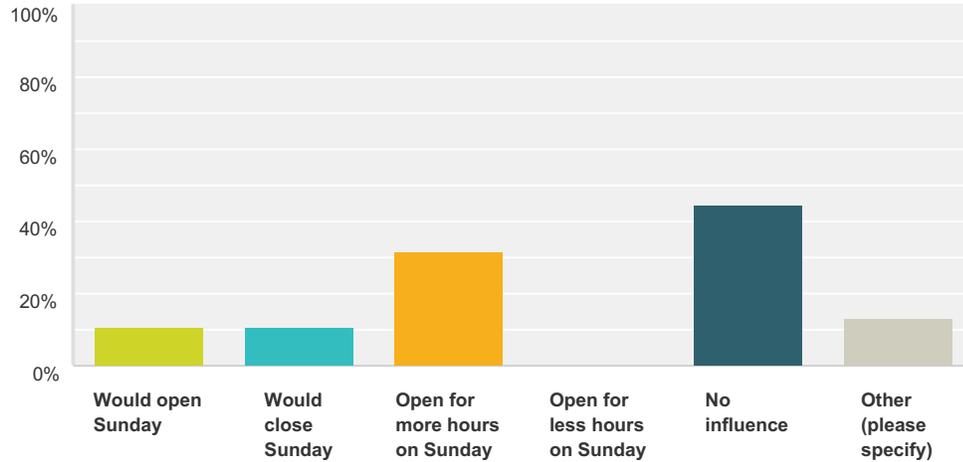


Answer Choices	Responses
Employ more staff	36.84% 14
Employ less staff	2.63% 1
Roster a staff member instead of working yourself	21.05% 8
No influence	36.84% 14
Other (please specify)	15.79% 6
Total Respondents: 38	

#	Other (please specify)	Date
1	Could not afford to operate under that wage condition	10/4/2015 3:32 PM
2	I'm not sure if you meant to say "Saturdays" for his question as question 15 deals with Sundays - however - I truly believe that there are plenty of employees who would happily work on a Saturday (and even on a Sunday) in order to have a weekday off where they could schedule doctor's appointments and attend businesses who are not open on the weekends..... Workers have gotten spoiled by getting used to the loading on Saturdays and Sundays yet there are a multitude of workers who would be willing to work on a weekend day as if it were any other regularly rostered work day.	8/31/2015 2:10 PM
3	Would not open for trade	8/7/2015 1:24 PM
4	It is a good start, but penalty rates should be abolished. The result for our business is that we would employ more full time and less casuals.	8/5/2015 10:06 AM
5	Work with minimal staff as is.	8/4/2015 2:17 PM
6	We need to open on Sunday to service our local population, but we can't afford to employ staff so we would have to do this day ourselves, which will impact on our family time. We already open 6 days a week 12 hours a day, and family time is locked into weekends because of school routines. Our staff want to work on Sunday for less, they know the potential for Sunday trading for this business, but they also see there is a tipping point for profitability and a need for life balance. The easy decision is to remain closed on Sunday whilst penalty rates exist.	8/4/2015 10:05 AM

Q25 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your opening hours on that day?

Answered: 38 Skipped: 12



Answer Choices	Responses	
Would open Sunday	10.53%	4
Would close Sunday	10.53%	4
Open for more hours on Sunday	31.58%	12
Open for less hours on Sunday	0.00%	0
No influence	44.74%	17
Other (please specify)	13.16%	5
Total Respondents: 38		

#	Other (please specify)	Date
1	Could not afford to operate under that wage condition	10/4/2015 3:32 PM
2	The government and business have made Saturday and Sunday a normal work day. I agree with overtime for staff that have already worked their 40 hours , But additional staff employed for weekend work should be at the normal rate as it is a normal day to open for business	8/26/2015 2:29 PM
3	Would not open for trade	8/7/2015 1:24 PM
4	Have to be open when customers are around- you can only prune your hours back so far.	8/4/2015 2:17 PM
5	I would run the figures to see if opening limited hours Sunday would be worthwhile.	8/4/2015 10:05 AM

CCI Penalty Rates Survey

Q26 In your own words, what has been the impact of Sunday and public holiday penalty rates on your business?

Answered: 42 Skipped: 8

#	Responses	Date
1	It's still too new to really see the full impact but we would be looking at cost cutting to compensate for penalties - especially when most of our work is on the weekends. It will result in fewer people being employed.	10/6/2015 11:53 PM
2	They make it not viable to open. It also affects us attending shows in our rural area also	10/5/2015 9:02 PM
3	Due to expected penalty rates and our retail location we could not afford to be profitable at all with these penalty rates - we are forced to close	10/4/2015 3:33 PM
4	Had to employ juniors, work myself and reduce hours. Would love to employ more seniors, and open for longer as we are in an area that is high in tourist numbers	10/3/2015 10:38 AM
5	By the time you pay the penalty rates for staff along with increased penalty rates for opening hours (shopping centre), we barely break even on total costs vs income on weekend trade. In this day & age of 7 days a week opening hours, rates should be the same across the board. It doesn't mean the staff lose out on wages, they are still working their allocated days & getting days off during the week to replace those worked on weekends.	9/30/2015 11:04 AM
6	Not a positive impact, extended hours in general have no added financial benefits or outcomes for our business and the added burden of additional wages, make it even less attractive.	9/4/2015 11:18 PM
7	I do not open on Sunday nor on public holidays directly because of the penalty rates.	8/31/2015 2:11 PM
8	Could not consider opening as the profitability is not there.	8/31/2015 12:17 PM
9	With the penalty rates in place it cost less just to close the business for those days rather than operate with a significant loss.	8/28/2015 5:53 PM
10	Being a small business owner it puts more pressure on the owners on having to work these days. It also becomes a safety issue as there is only you in the shop with no one else. When your store has a liquor outlet as part of this this makes you vulnerable	8/28/2015 5:48 PM
11	Another day of work for me for which I do not get paid!	8/26/2015 2:30 PM
12	Closure of premises	8/17/2015 1:42 PM
13	Don't open / stay closed	8/12/2015 3:20 PM
14	It certainly affects profitability and discourages opening longer hours on Sunday and definitely deters us from opening on public holiday. It kills the economics of our business.	8/9/2015 6:43 AM
15	Profits are much reduced. Seasonally, many Sundays and especially Pub Hols at 250% base rate - trade at a loss. (Made up during the week hopefully!)	8/7/2015 4:11 PM
16	Can't afford to pay	8/6/2015 6:05 PM
17	Do not open due to wages.	8/5/2015 12:18 PM
18	We employ less staff and don't open the best operating hours for good customer service. Restricted hours leads to inconvenience for our shoppers.	8/5/2015 10:53 AM
19	penalty rates stop us employing more staff and stop us from rewarding our employees with above award pay where it is warranted.	8/5/2015 10:09 AM
20	Can't make enough extra revenue to justify opening.	8/5/2015 7:39 AM
21	please see previous comments	8/4/2015 6:30 PM
22	We don't open on these days as we cannot afford the penalty rates.	8/4/2015 5:18 PM
23	Due to the impact of the penalty rates we tend not award more hours to older, more experienced and sometimes deserving staff because the rates are too expensive for a small business to absorb. Running the business with minimal staff means we save on wages but sacrifice on customer service and efficient day to day tasks which ultimately would be benefiting the customer.	8/4/2015 3:45 PM

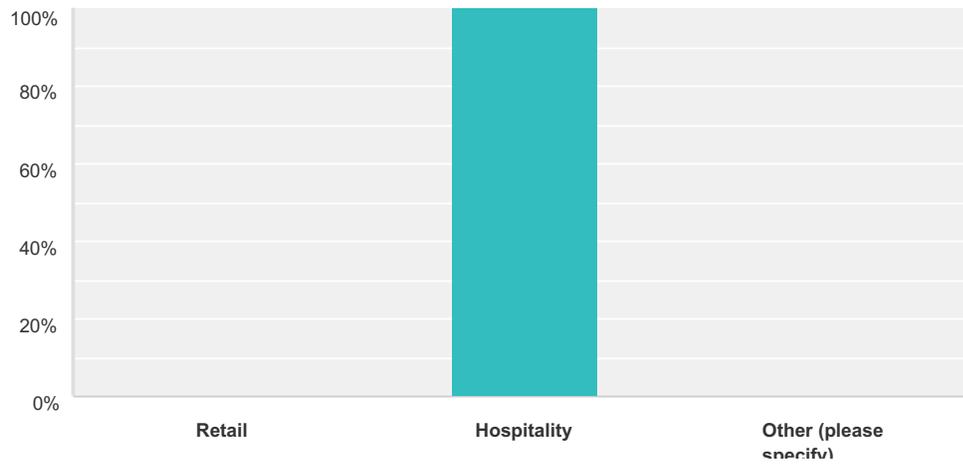
CCI Penalty Rates Survey

24	My business is based in a small country town in a major tourist area. We must operate 7 days a week, and the penalty rates adversely affect my profitability and the decision of rostering. i usually roster myself on with juniors on the higher wage days i.e. Sundays & P/Hol's.	8/4/2015 3:03 PM
25	I don't have a choice, I have to work those days to save wages.	8/4/2015 2:19 PM
26	When you are paying staff over \$50 per hour on a public holiday and \$40 on a Sunday they have to make a lot of sales to cover the wages and some days you don't even cover the wage bill so that is why when we do open on a Sunday it is only for a few hours and we open on Sundays only for a limited period of the year.	8/4/2015 1:13 PM
27	cost us money, we are basically still doing same turn over per week, but wages have increased	8/4/2015 1:04 PM
28	Higher costs per hour resulted in higher wages as a % of turnover forcing us towards a more casual workforce, using significantly more junior staff and less rostered hours overall hours.	8/4/2015 1:03 PM
29	In many cases we have reduced staff hours during the week to cater for Sundays & Public Holidays	8/4/2015 12:55 PM
30	Part of the problem is that you are asking what impact do penalty rates have on my business. The (negative) impact is actually on me and my family life. I work too many hours. The business itself is fine. I want to work less hours, I want to give more hours to staff and I have staff that want work more hours regardless of what day it is. If I did not work the hours I do and did employ staff to work Sunday's and Public holidays then the business would not survive. It is my family that penalty rates impact the most.	8/4/2015 12:35 PM
31	As a owner of a small specialty retail store, we are unable to open sunday and public holidays due to the penalty rates we would have to pay staff. Also as, I myself work 60 + week I can't work those shift myself so therefore we are closed on these days. If I could roster my staff on alternate weekend shifts with their days off during the week at standard normal rates of pay, then we would extend our trading hours and also employ more staff for the weekend. However until penalty rates are stopped for all and or much more heavily reduced it would be unlikley that we would open for longer periods over the weekend and public holidays. I feel that penalty rates should only apply if staff are working on public holidays and overtime having already worked at least 45 hours work week. 38 hour working week is ridiculous amount for full time. We cant not even get staff to work standard trading hours of 8.30 to 5.30 monday to friday, without paying them overtime. Small business should be able to extend standard weekly working hours.	8/4/2015 11:07 AM
32	Costs our business a lot in wages for our stores to trade on a Sundays in comparison to the sales we would make on that day.	8/4/2015 10:48 AM
33	Penalty rates have a direct line impact on pushing wage and employee costs above acceptable ratio levels to operate a retail business (of our nature) profitably, simply it can be the difference between profit and loss.	8/4/2015 10:47 AM
34	if you wont workers ,pay them accordingly,otherwise i have to do it	8/4/2015 10:46 AM
35	Reduced profitability. However due to these days being busy trading days we must open.	8/4/2015 10:45 AM
36	We cannot afford to pay the penalty rates so we do not open in Sunday's and Public Holidays and reduce our opening hours on Saturdays	8/4/2015 10:41 AM
37	With our high rents we have to open when our competitors open but the cost of wages is a heavy impost on the business particularly if trading is slow on the day.	8/4/2015 10:38 AM
38	increased in our wages. We are now employing more casual staff then full time staff due to this trying to reduce our costs.	8/4/2015 10:16 AM
39	PH make it very difficult financially to open but we still feel the need to open as an obligation to our community	8/4/2015 10:15 AM
40	I won't open while there are penalty rates	8/4/2015 10:13 AM
41	We are closed on Sunday. The previous owners made this decision 4 years ago, and showed us that the Sunday trade contributed annual profit of \$100K, but that came at a huge personal cost, as employees will not work reliably on Sunday - they take advantage of penalty rates to work toward a short term financial goal and leave you in the lurch at short notice. If penalty rates were abolished there would be a need to commit to regular hours instead of playing the system.	8/4/2015 10:10 AM
42	affects our profitably and our ability to offer good customer service	8/4/2015 9:59 AM

APPENDIX C
CCIWA PENALTY RATE SURVEY
HOSPITALITY INDUSTRY

Q1 Which industry category best describes your business?

Answered: 49 Skipped: 0

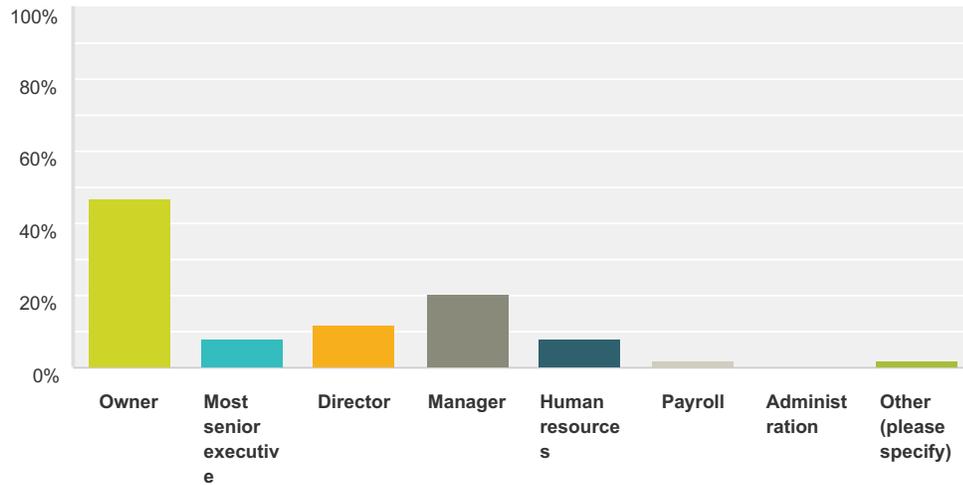


Answer Choices	Responses
Retail	0.00% 0
Hospitality	100.00% 49
Other (please specify)	0.00% 0
Total	49

#	Other (please specify)	Date
	There are no responses.	

Q2 What is your position in the business?

Answered: 49 Skipped: 0

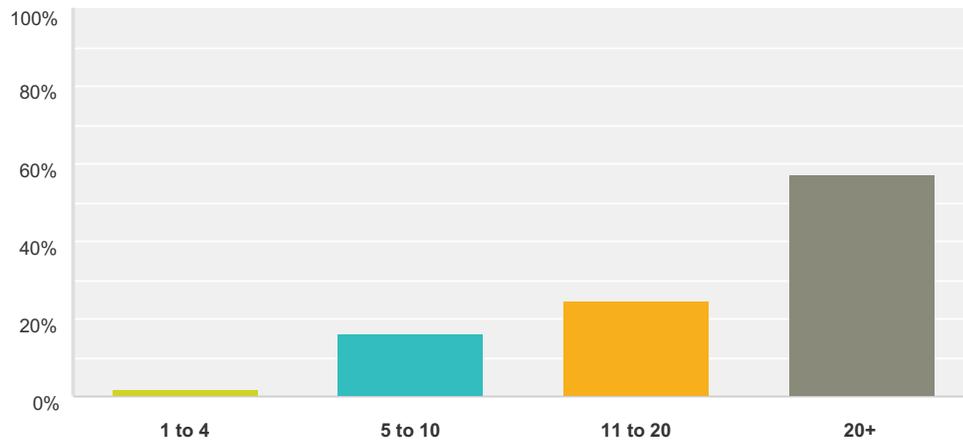


Answer Choices	Responses	
Owner	46.94%	23
Most senior executive	8.16%	4
Director	12.24%	6
Manager	20.41%	10
Human resources	8.16%	4
Payroll	2.04%	1
Administration	0.00%	0
Other (please specify)	2.04%	1
Total		49

#	Other (please specify)	Date
1	General Manager	8/4/2015 4:24 PM

Q3 How many staff do you currently employ (including casual staff)?

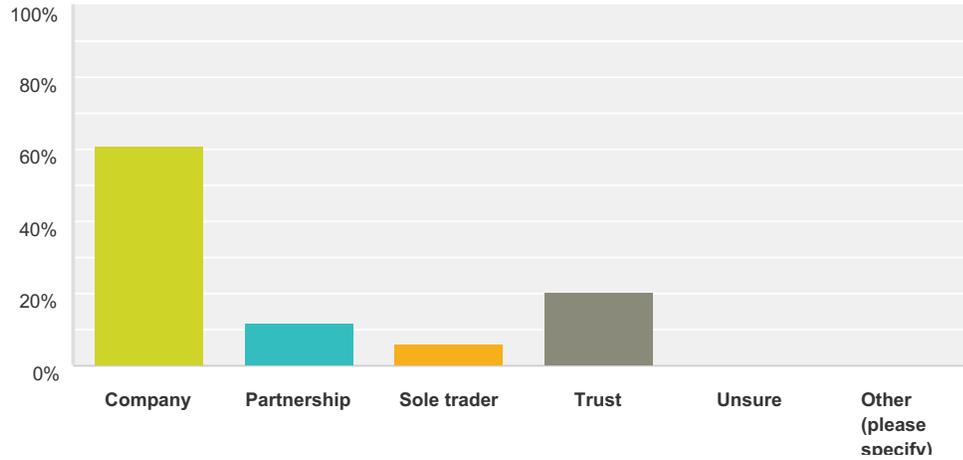
Answered: 49 Skipped: 0



Answer Choices	Responses	
1 to 4	2.04%	1
5 to 10	16.33%	8
11 to 20	24.49%	12
20+	57.14%	28
Total		49

Q4 How is your business structured?

Answered: 49 Skipped: 0

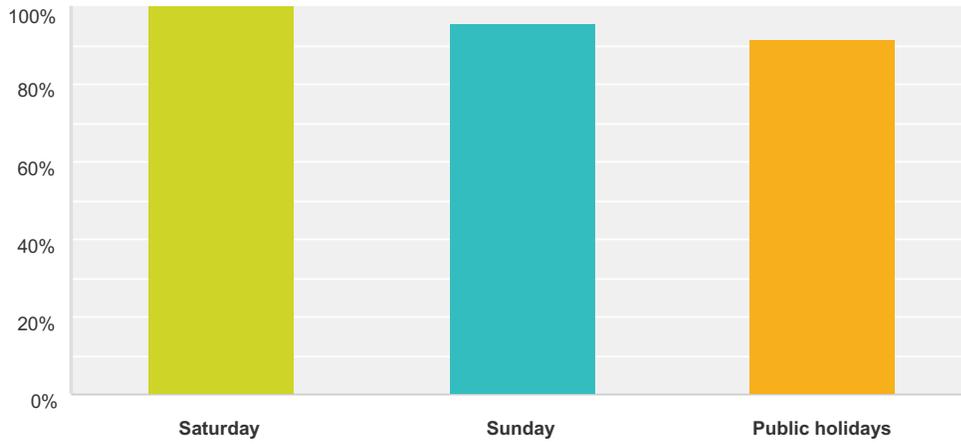


Answer Choices	Responses
Company	61.22% 30
Partnership	12.24% 6
Sole trader	6.12% 3
Trust	20.41% 10
Unsure	0.00% 0
Other (please specify)	0.00% 0
Total	49

#	Other (please specify)	Date
	There are no responses.	

Q5 Do you regularly trade on the following days (please select all that apply)?

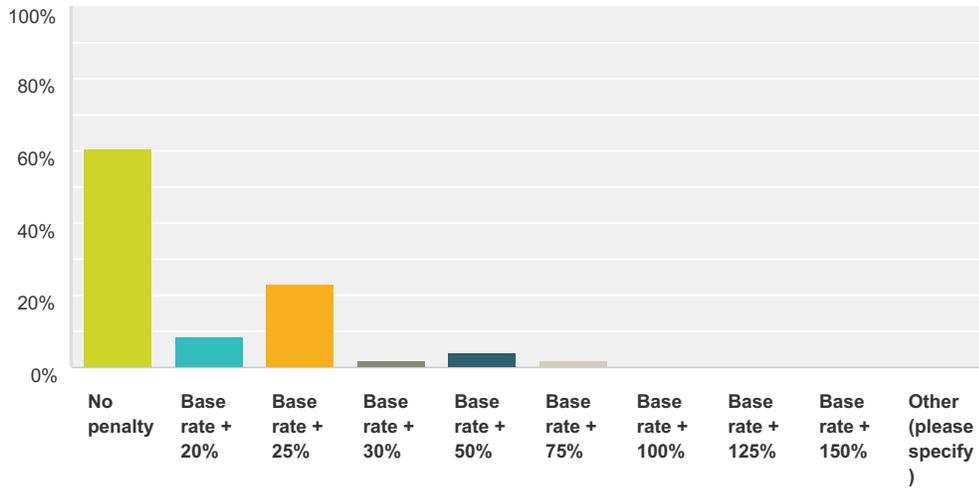
Answered: 48 Skipped: 1



Answer Choices	Responses	
Saturday	100.00%	48
Sunday	95.83%	46
Public holidays	91.67%	44
Total Respondents: 48		

Q6 What penalty rate do you believe is appropriate for working on a Saturday?

Answered: 48 Skipped: 1

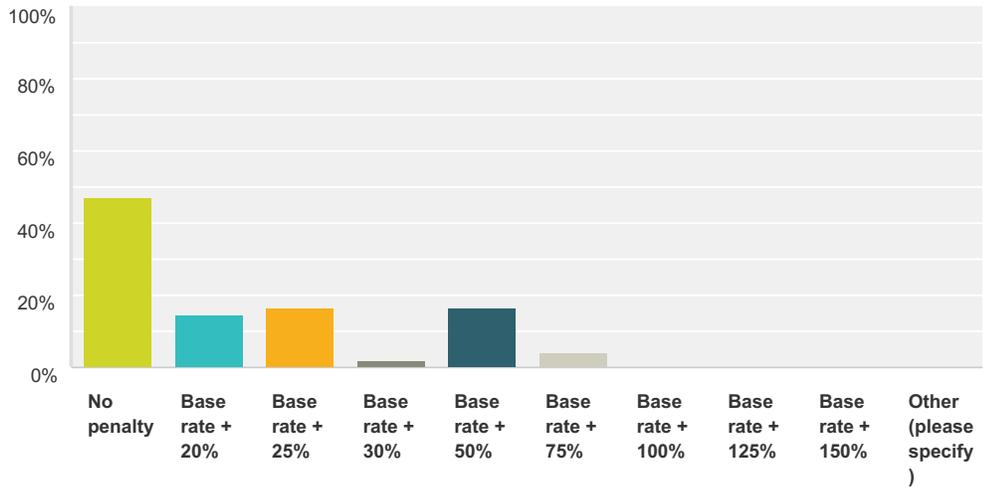


Answer Choices	Responses	
No penalty	60.42%	29
Base rate + 20%	8.33%	4
Base rate + 25%	22.92%	11
Base rate + 30%	2.08%	1
Base rate + 50%	4.17%	2
Base rate + 75%	2.08%	1
Base rate + 100%	0.00%	0
Base rate + 125%	0.00%	0
Base rate + 150%	0.00%	0
Other (please specify)	0.00%	0
Total		48

#	Other (please specify)	Date
	There are no responses.	

Q7 What penalty rate do you believe is appropriate for working on Sunday?

Answered: 49 Skipped: 0

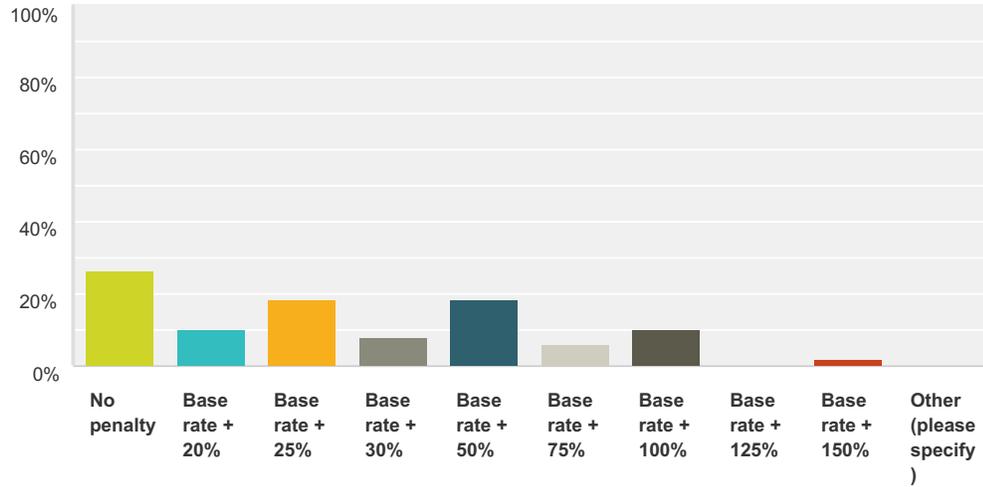


Answer Choices	Responses	
No penalty	46.94%	23
Base rate + 20%	14.29%	7
Base rate + 25%	16.33%	8
Base rate + 30%	2.04%	1
Base rate + 50%	16.33%	8
Base rate + 75%	4.08%	2
Base rate + 100%	0.00%	0
Base rate + 125%	0.00%	0
Base rate + 150%	0.00%	0
Other (please specify)	0.00%	0
Total		49

#	Other (please specify)	Date
	There are no responses.	

Q8 What penalty rate do you believe is appropriate for working on a public holiday?

Answered: 49 Skipped: 0

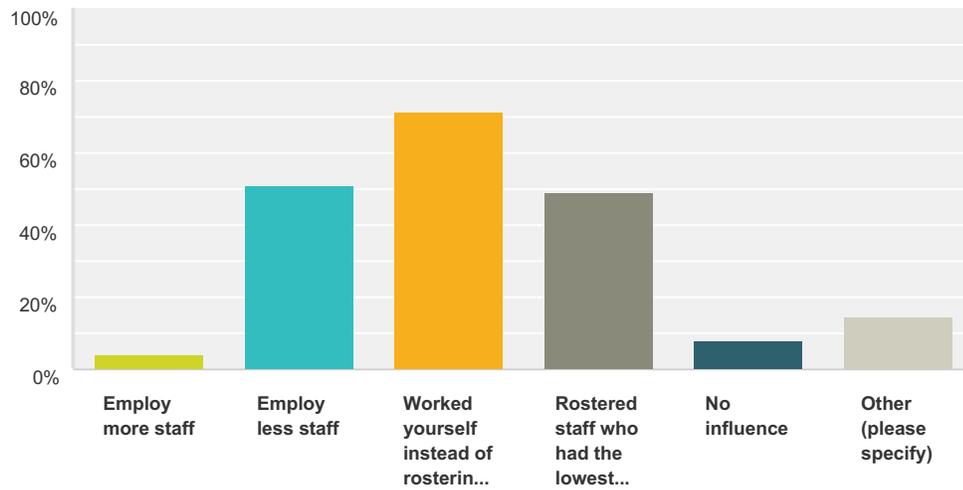


Answer Choices	Responses
No penalty	26.53% 13
Base rate + 20%	10.20% 5
Base rate + 25%	18.37% 9
Base rate + 30%	8.16% 4
Base rate + 50%	18.37% 9
Base rate + 75%	6.12% 3
Base rate + 100%	10.20% 5
Base rate + 125%	0.00% 0
Base rate + 150%	2.04% 1
Other (please specify)	0.00% 0
Total	49

#	Other (please specify)	Date
	There are no responses.	

Q9 What influence do penalty rates have on your decision to employ staff?

Answered: 49 Skipped: 0

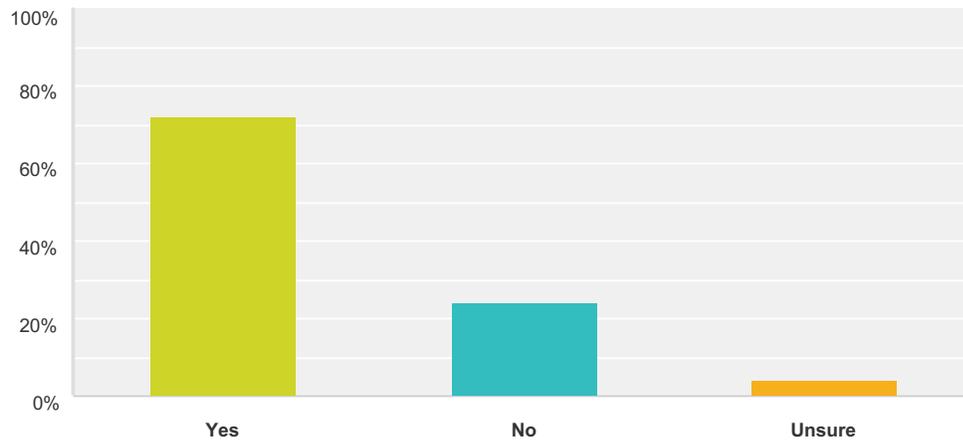


Answer Choices	Responses
Employ more staff	4.08% 2
Employ less staff	51.02% 25
Worked yourself instead of rostering a staff member	71.43% 35
Rostered staff who had the lowest wages (e.g. juniors)	48.98% 24
No influence	8.16% 4
Other (please specify)	14.29% 7
Total Respondents: 49	

#	Other (please specify)	Date
1	We don't open Sunday's and public holidays because we cannot afford the penalty rates. If there where no penalty rate we would open 7 days and employ more staff	10/7/2015 5:00 PM
2	Roll over accommodation to be cleaned on a weekend to a week day where possible	8/7/2015 11:39 AM
3	Hire casual staff over permanent part-time Do not provide permanent staff with option to work penalties	8/4/2015 4:53 PM
4	All salaried staff are required to work on public holidays to minimise casual wages	8/4/2015 4:25 PM
5	Instead of opening 24 hours reception and hence providing better service to guests AND employing more people penalty rates make this option too expensive and unafforable	8/4/2015 2:36 PM
6	We avoid Sunday and public holiday trading because it is just not worth it for us. As I said previously many of our casual employees are Uni students or people for whatever reason can only work on weekends or after 7.00 pm. Casual workers should not be entitled to penalty rates. I believe penalty rates should only apply for full-time workers who are required to work overtime and have to work on weekends or public holidays. That being said the rate should not be as high as it is for these people either.	8/4/2015 12:07 PM
7	We adjust workloads for weekends to ensure minimum number of staff are rostered on.	8/4/2015 11:05 AM

Q10 When you employ less staff due to penalty rates, does this impact upon customer service?

Answered: 25 Skipped: 24

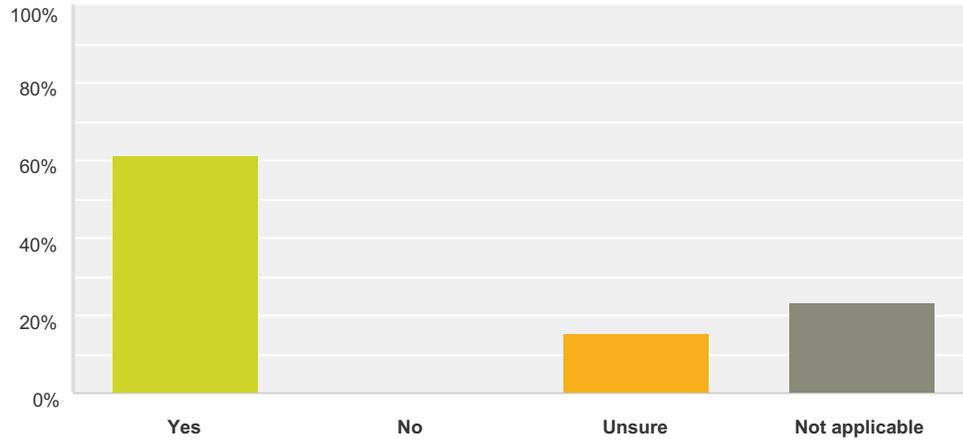


Answer Choices	Responses	
Yes	72.00%	18
No	24.00%	6
Unsure	4.00%	1
Total		25

#	If yes, please explain how:	Date
1	Shorter hours Less service to rooms As a regional country area on our busiest visitor weekend most restaurants and pubs are not open because of penalty rates This is a major deterrent to growing a Tourism business anywhere in West Australia	9/29/2015 12:22 PM
2	The customer has to wait longer to be served.	8/4/2015 8:46 PM
3	Longer wait for meals at peak times Reduced menu Reduced customer service in bars, bottleshop and bistro Reduced opening times unless extremely busy	8/4/2015 5:08 PM
4	we cannot supply exceptional customer service because of wait times. Staff are stressed, customers are stressed & management are stressed	8/4/2015 3:00 PM
5	I want to open a 24 hour reception but I cant because at \$50+ an hour is to exorbitant especially when I'm only a small 30 room establishment and selling beds at only \$45 per bed!! The maths just don't add up. Penalty rates favour LARGE businesses such as hundred room plus hotels and hostels who can afford to employ a 24 hour reception due to their size, but it goes against the small business owner	8/4/2015 2:38 PM
6	Public holidays tend to be some of our busiest days but prohibitive penalty rates mean we have to roster to the absolute minimum which can cause lowered levels of service and longer wait times for customers	8/4/2015 11:41 AM
7	Customer wait time for service is longer.	8/4/2015 11:25 AM
8	meals etc take longer to come out	8/4/2015 10:14 AM
9	we simply have to use less staff to make money public holidays cost us and we loose money on these day simple as that	8/4/2015 10:07 AM

Q11 If you employ more junior staff due to penalty rates, does this impact upon customer service?

Answered: 26 Skipped: 23

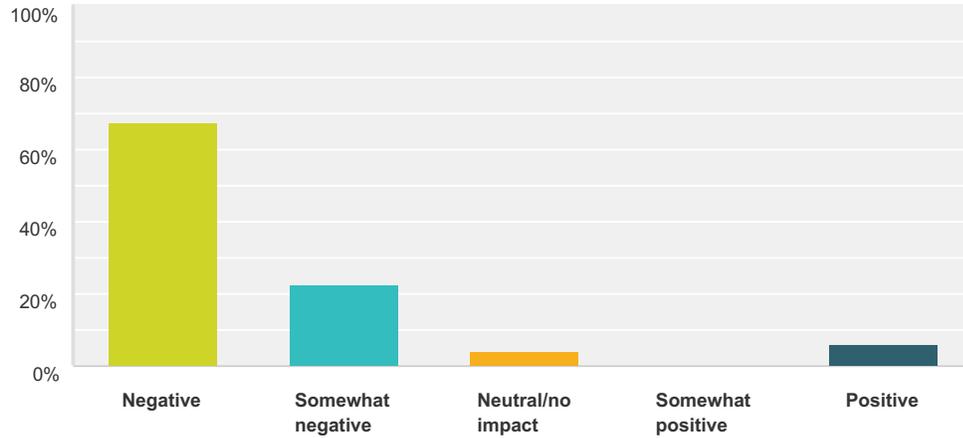


Answer Choices	Responses	
Yes	61.54%	16
No	0.00%	0
Unsure	15.38%	4
Not applicable	23.08%	6
Total		26

#	If yes, please explain how:	Date
1	They are not as experienced as senior staff and has to rely on management support in difficult situations or out of normal occurances. This may take a bit longer in time in decision making.	8/5/2015 10:06 AM
2	The customer does not necessarily get the most professional or efficient service.	8/4/2015 8:46 PM
3	Places more pressure on senior staff Increases the likelihood of errors/ ommissions in orders and service lessens the level of professionalism in key areas	8/4/2015 5:08 PM
4	Too expensive to provide level of supervision of junior staff.	8/4/2015 4:55 PM
5	They do have the experience, confidence or the common sense to deal with a range of possible issues that may arise on these types of busy days	8/4/2015 3:00 PM
6	Because the junior staff sometimes lack the customer service skills that are yet to be developed.	8/4/2015 2:38 PM
7	Less experienced staff are sometimes less able to handle difficult situations which may occur at busier times putting more pressure on supervisors and having the potential for customer complaints	8/4/2015 11:41 AM

Q12 Please rate the impact of penalty rates on your business' productivity and profitability

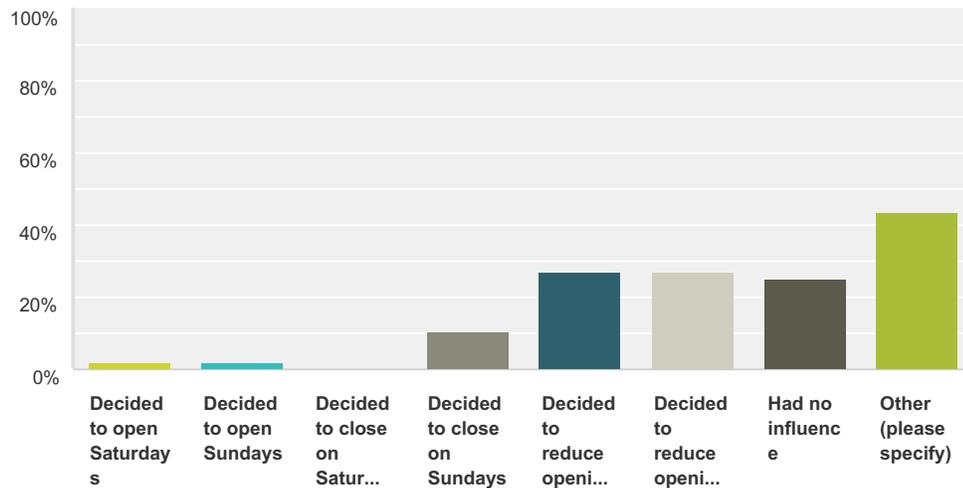
Answered: 49 Skipped: 0



Answer Choices	Responses	Count
Negative	67.35%	33
Somewhat negative	22.45%	11
Neutral/no impact	4.08%	2
Somewhat positive	0.00%	0
Positive	6.12%	3
Total		49

Q13 What influence have penalty rates had on your decision to trade on weekends?

Answered: 48 Skipped: 1



Answer Choices	Responses
Decided to open Saturdays	2.08% 1
Decided to open Sundays	2.08% 1
Decided to close on Saturdays	0.00% 0
Decided to close on Sundays	10.42% 5
Decided to reduce opening hours on Saturdays	27.08% 13
Decided to reduce opening hours on Sundays	27.08% 13
Had no influence	25.00% 12
Other (please specify)	43.75% 21
Total Respondents: 48	

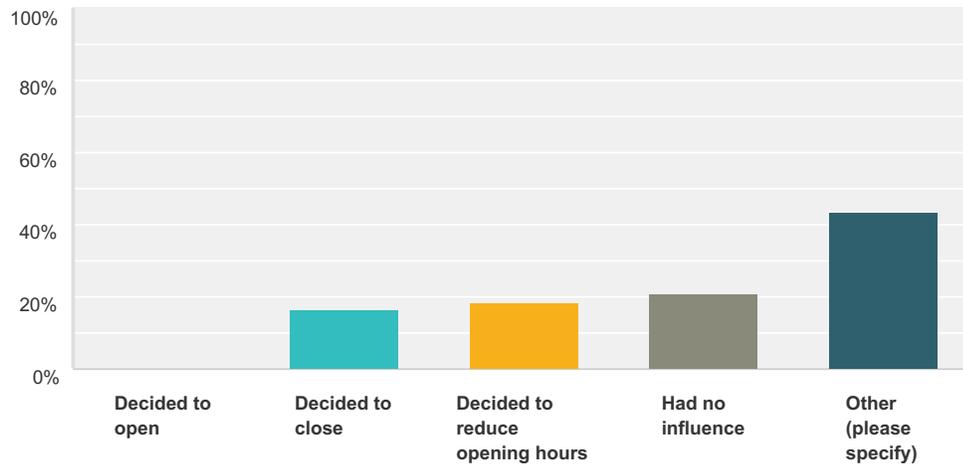
#	Other (please specify)	Date
1	We don't open Sunday and public holidays because of penalty rates	10/7/2015 5:00 PM
2	Limit hours Reduce staffing levels Customers given less service Staff want to be employed at their rates for a regular job Not have their hours reduced because it is uneconomic to open With the business discounting room rates and discounts for food in restaurant there is no balance between trying to win business and have wages that are out of sink with these difficult economic times	9/29/2015 12:30 PM
3	We are open 7 Days a week. Being a bar restaurant we are here to provide a service and with penalty rates it makes it a lot more expensive.	8/11/2015 10:54 AM
4	We own a caravan park and therefore have to be open 24/7. We have limited the hours worked on weekends and there will be no staff EVER working on public holidays again.	8/7/2015 11:42 AM
5	Have no choice as we are in hospitality and are in a tourism region.	8/6/2015 12:18 PM
6	As we are in a tourist area, we trade weekends and public holidays. However as with many businesses in the hospitality industry in our region we are now reconsidering our decision. This is, we believe, to the detriment of the tourist trade, who would not necessarily understand why so many restaurants etc are closed and result in the decline in visitors to the area.	8/4/2015 8:55 PM

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7	No option not to trade	8/4/2015 4:28 PM
8	We have no option to not trade on weekends as we are a hotel and must be open 7 days a week	8/4/2015 4:27 PM
9	We run a 24/7 business so no impact whatsoever	8/4/2015 3:37 PM
10	We have no alternative - we must trade every day.	8/4/2015 2:56 PM
11	Hospitality has no choice in trading 7 days a week	8/4/2015 1:40 PM
12	worked by owners	8/4/2015 11:49 AM
13	Our business operates 365 days a year with set opening hours - so we CAN NOT close or reduce hours..	8/4/2015 11:25 AM
14	We still trade however staff is at a minimum and monitored carefully. We would employ more staff on weekends if the rates were reasonable.	8/4/2015 11:09 AM
15	Not able to let it influence as we run a motel and can't be closed on Sunday or public holidays	8/4/2015 10:53 AM
16	our industry is 24/7	8/4/2015 10:49 AM
17	We have to trade	8/4/2015 10:27 AM
18	We have to remain open	8/4/2015 10:20 AM
19	.	8/4/2015 10:16 AM
20	it's a cost we have to wear as we cannot afford not be open as people will go elsewhere and we can't let that happen	8/4/2015 10:10 AM
21	We have no choice but to trade as we are in food/beverage industry. On many public holidays we lose money but still have to provide a service.	8/4/2015 9:58 AM

Q14 What influence have penalty rates had on your decision to trade on public holidays?

Answered: 48 Skipped: 1



Answer Choices	Responses
Decided to open	0.00% 0
Decided to close	16.67% 8
Decided to reduce opening hours	18.75% 9
Had no influence	20.83% 10
Other (please specify)	43.75% 21
Total	48

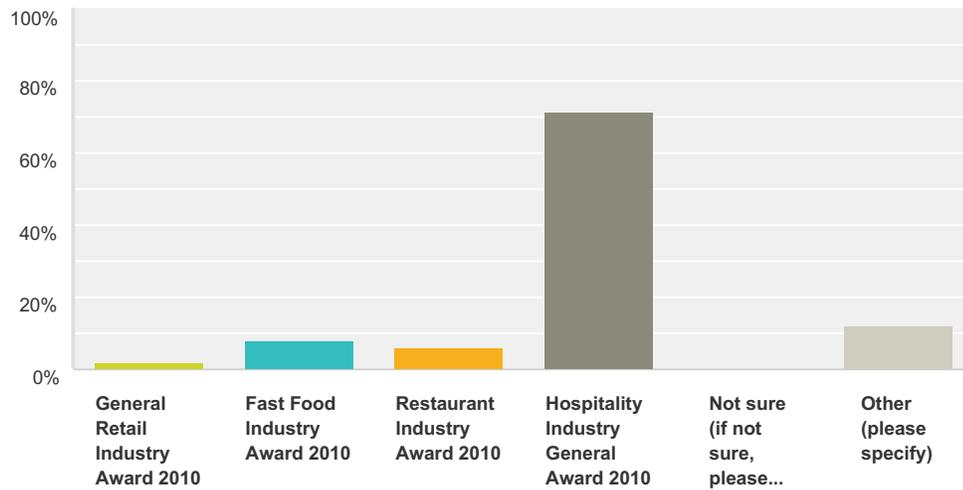
#	Other (please specify)	Date
1	It cripples the business Regulars are dissatisfied with service Tourists and visitors see it as a backward unfriendly place Everyone is disadvantaged and staff work because there is a job to be done NOT because one day their labour is \$20 an hour and the next day the same hour is \$45! At present staff want secure employment Discounting rooms and food to appeal to customers is not balanced on the other side of the ledger with labour costs cut to meet the current economic climate	9/29/2015 12:30 PM
2	We have to open the shop/reception on public holidays but have limited cabins to be cleaned and rolled over to another day. Will be ensuring that we have a minimum of two days bookings on all public holiday weekends.	8/7/2015 11:42 AM
3	We do open although have added a 10% surcharge to our meals. The surcharge on meals was implemented in January 2015 as we felt there was no choice but to do this. We do not add a surcharge to beverages	8/6/2015 12:18 PM
4	We have decided to reduce staffing and use junior staff. This effectively penalises adult staff who are willing to work but cannot be employed because of the effect their high wage would have on the profitable operation of the business.	8/4/2015 8:55 PM
5	no option not to trade	8/4/2015 4:28 PM
6	As above - we must open 365 days a year	8/4/2015 4:27 PM
7	We run a 24/7 business so no impact whatsoever	8/4/2015 3:37 PM
8	We have no alternative - we must trade very day.	8/4/2015 2:56 PM
9	Hospitality has no choice in trading 7 days a week	8/4/2015 1:40 PM

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10	as part of ongoing agreements i must operate on public holidays. guests in hospitality are not willing to pay an excess in line with penalty rates. Hospitality is a competitive market, and it is not uncommon to run at a loss on public holidays.	8/4/2015 12:54 PM
11	work by owners or hold what work we can over to the next day	8/4/2015 11:49 AM
12	Consider public holiday surcharges on our menu	8/4/2015 11:41 AM
13	As above	8/4/2015 11:25 AM
14	Still have to trade however staff is at a minimum and monitored carefully. We would employ more staff on Public Holidays if the rates were reasonable	8/4/2015 11:09 AM
15	Not able to let it influence as we run a motel and can't be closed on Sunday or public holidays	8/4/2015 10:53 AM
16	our industry is 24/7	8/4/2015 10:49 AM
17	We have to trade	8/4/2015 10:27 AM
18	We have to remain open	8/4/2015 10:20 AM
19	Will most likely start to close on public holidays in our restaurant and day spa	8/4/2015 10:16 AM
20	It seriously hurts us these days are not profitable, we make all our full time/salary staff work them and just give them a day off on another weekday to compensate, which inturn hurts moral as the staff should enjoy these days don't get to have them off with family and friends	8/4/2015 10:10 AM
21	As per question 13 comments	8/4/2015 9:58 AM

Q15 Which modern award applies to the majority of your employees?

Answered: 49 Skipped: 0

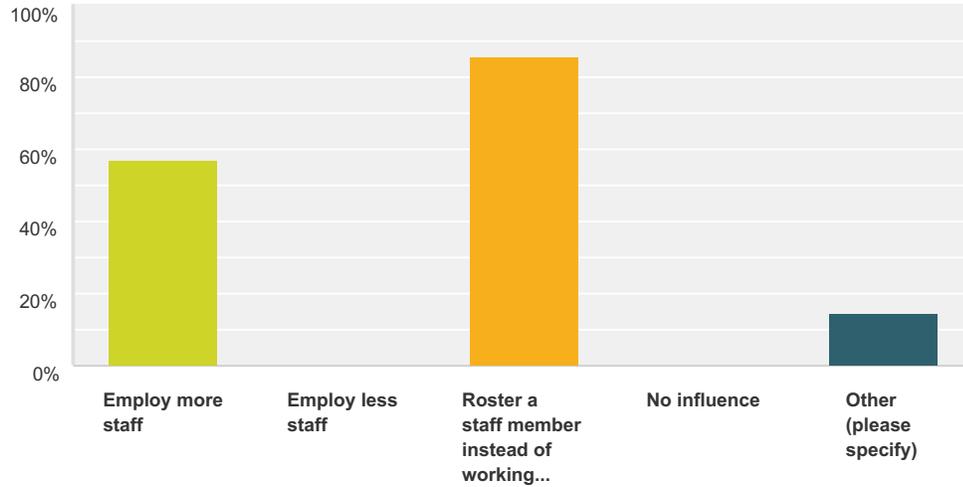


Answer Choices	Responses
General Retail Industry Award 2010	2.04% 1
Fast Food Industry Award 2010	8.16% 4
Restaurant Industry Award 2010	6.12% 3
Hospitality Industry General Award 2010	71.43% 35
Not sure (if not sure, please contact CCI's Employee Relations Advice Centre on (08) 9365 7660 for further information)	0.00% 0
Other (please specify)	12.24% 6
Total	49

#	Other (please specify)	Date
1	Restaurant and tearooms	10/7/2015 5:01 PM
2	Hospitality Industry General Award 2010 (MA000029)	8/7/2015 11:47 AM
3	EA based on Hospitality Award	8/4/2015 3:38 PM
4	hotel motel and boarding house w.a. award	8/4/2015 11:49 AM
5	we have an EBA but it would be the HIGA	8/4/2015 10:10 AM
6	Hotel and Tavern workers	8/4/2015 9:59 AM

Q16 If penalty rates were reduced to base rate + 25% loading on Sundays, what impact would this have on your staffing levels for that day?

Answered: 7 Skipped: 42

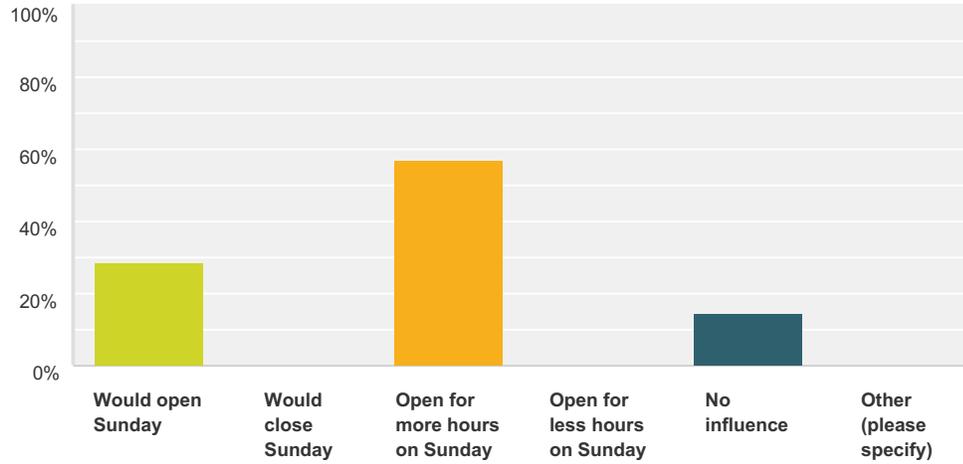


Answer Choices	Responses
Employ more staff	57.14% 4
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	85.71% 6
No influence	0.00% 0
Other (please specify)	14.29% 1
Total Respondents: 7	

#	Other (please specify)	Date
1	I would endeavor to secure more work on Sundays which in turn would create more positions within our company.	8/4/2015 12:57 PM

Q17 If penalty rates were reduced to base rate + 25% loading on Sundays, what impact would this have on your opening hours on that day?

Answered: 7 Skipped: 42

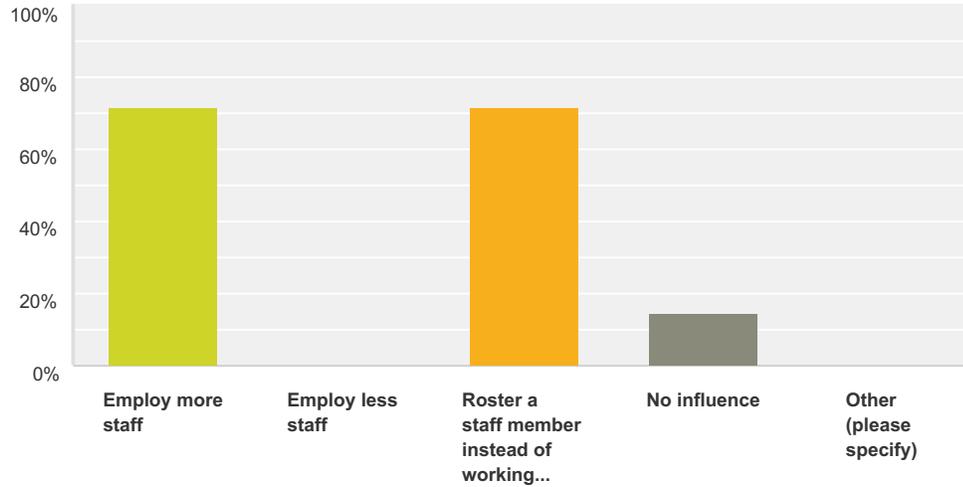


Answer Choices	Responses	
Would open Sunday	28.57%	2
Would close Sunday	0.00%	0
Open for more hours on Sunday	57.14%	4
Open for less hours on Sunday	0.00%	0
No influence	14.29%	1
Other (please specify)	0.00%	0
Total Respondents: 7		

#	Other (please specify)	Date
	There are no responses.	

Q18 If penalty rates were reduced to base rate + 50% loading on public holidays, what impact would this have on your staffing levels for that day?

Answered: 7 Skipped: 42

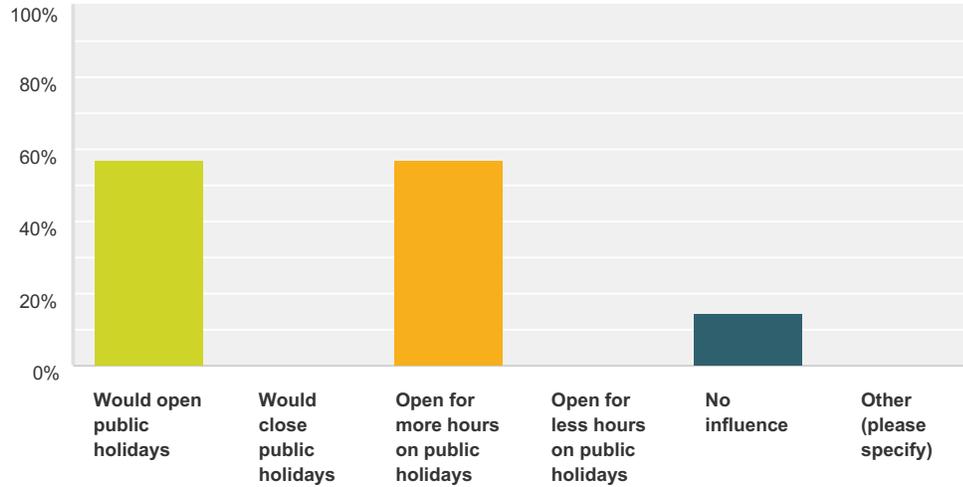


Answer Choices	Responses
Employ more staff	71.43% 5
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	71.43% 5
No influence	14.29% 1
Other (please specify)	0.00% 0
Total Respondents: 7	

#	Other (please specify)	Date
	There are no responses.	

Q19 If penalty rates were reduced to base rate + 50% loading on public holidays, what impact would this have on your opening hours on that day?

Answered: 7 Skipped: 42

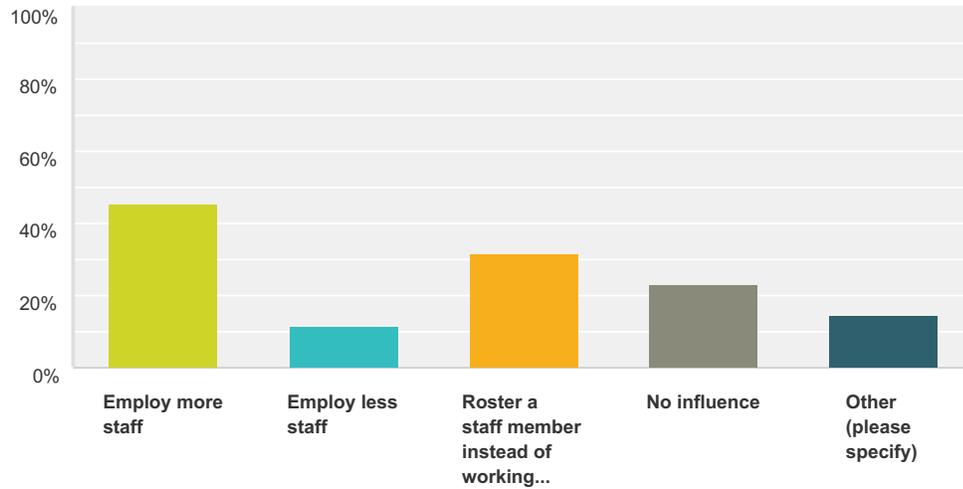


Answer Choices	Responses
Would open public holidays	57.14% 4
Would close public holidays	0.00% 0
Open for more hours on public holidays	57.14% 4
Open for less hours on public holidays	0.00% 0
No influence	14.29% 1
Other (please specify)	0.00% 0
Total Respondents: 7	

#	Other (please specify)	Date
	There are no responses.	

Q20 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your staffing levels for that day?

Answered: 35 Skipped: 14

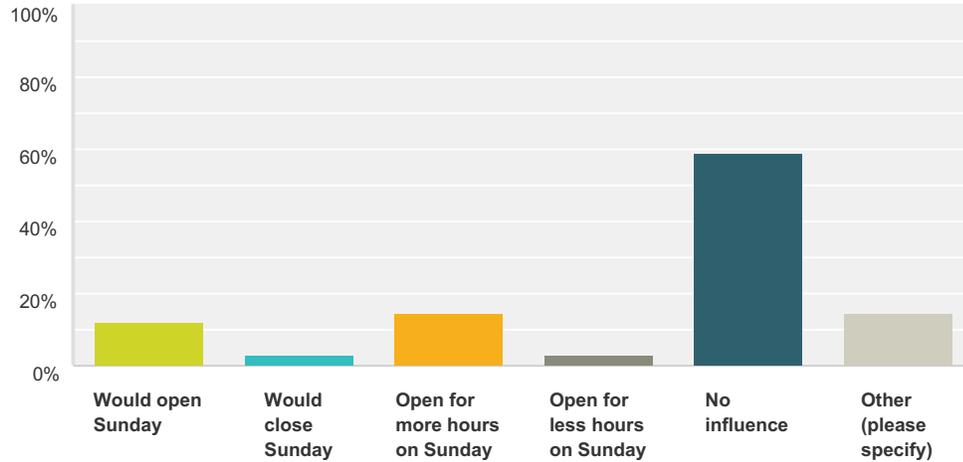


Answer Choices	Responses
Employ more staff	45.71% 16
Employ less staff	11.43% 4
Roster a staff member instead of working yourself	31.43% 11
No influence	22.86% 8
Other (please specify)	14.29% 5
Total Respondents: 35	

#	Other (please specify)	Date
1	Why 50% it should be recognized that Hospitality is a 7 day a week job	9/29/2015 12:32 PM
2	As we trade 7 Days a week we always roster staff to how busy it is no matter how much we have to pay staff. It would make it much easier if the penalty rate was lower.	8/11/2015 10:58 AM
3	Not Sufficient ABOLISH penalty Rates!! New Zealand doesnt have penalty rates and they have a thriving hospitality industry neither does most parts of the USA and UK, so why they hell should we have it!	8/4/2015 2:40 PM
4	We provide Remote Minesite Catering so the effect is tied up in the overall wages / manning ratio on site	8/4/2015 11:04 AM
5	it would allow a lot more flexibility for our entire team and allow slary staff to enjoy a semi regular lifestyle instead of working weekends	8/4/2015 10:13 AM

Q21 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your opening hours on that day?

Answered: 34 Skipped: 15

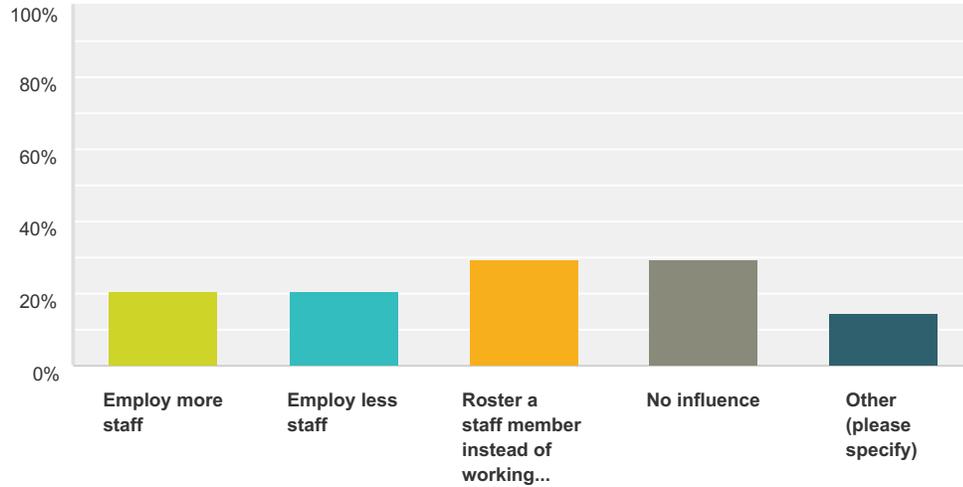


Answer Choices	Responses	
Would open Sunday	11.76%	4
Would close Sunday	2.94%	1
Open for more hours on Sunday	14.71%	5
Open for less hours on Sunday	2.94%	1
No influence	58.82%	20
Other (please specify)	14.71%	5
Total Respondents: 34		

#	Other (please specify)	Date
1	we trade 24/7 with no option to reduce	8/4/2015 4:31 PM
2	Our opening hours are fixed, so essentially it would have no influence on our opening hours	8/4/2015 4:29 PM
3	Not Sufficient ABOLISH penalty Rates!! New Zealand doesnt have penalty rates and they have a thriving hospitality industry neither does most parts of the USA and UK, so why they hell should we have it!	8/4/2015 2:40 PM
4	Would probably consider taking more Sunday functions because the casual hourly rate would not be as high either.	8/4/2015 12:11 PM
5	As above	8/4/2015 11:04 AM

Q22 If penalty rates were reduced to base rate + 125% loading on public holidays, what impact would this have on your staffing levels for that day?

Answered: 34 Skipped: 15

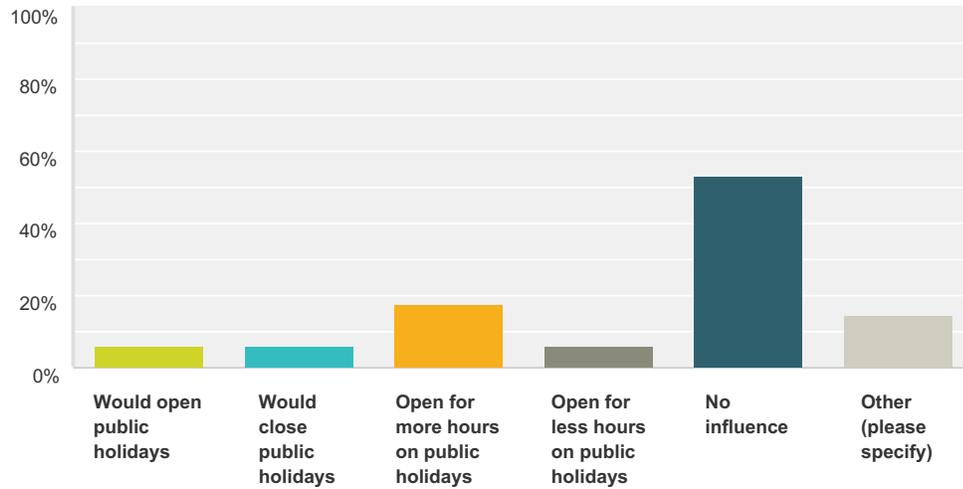


Answer Choices	Responses
Employ more staff	20.59% 7
Employ less staff	20.59% 7
Roster a staff member instead of working yourself	29.41% 10
No influence	29.41% 10
Other (please specify)	14.71% 5
Total Respondents: 34	

#	Other (please specify)	Date
1	Prefer to close	9/29/2015 12:32 PM
2	I have never agree with how much we have to pay our staff on a public holiday as we are open 7 Days anyway.	8/11/2015 10:58 AM
3	Not Sufficient ABOLISH penalty Rates!! New Zealand doesnt have penalty rates and they have a thriving hospitality industry neither does most parts of the USA and UK, so why they hell should we have it!	8/4/2015 2:40 PM
4	would still look at closing	8/4/2015 10:17 AM
5	just the idea of 125% is laughable that is still over the top, and we struggle to make these days profitable	8/4/2015 10:13 AM

Q23 If penalty rates were reduced to base rate + 125% loading on public holidays, what impact would this have on your opening hours on that day?

Answered: 34 Skipped: 15

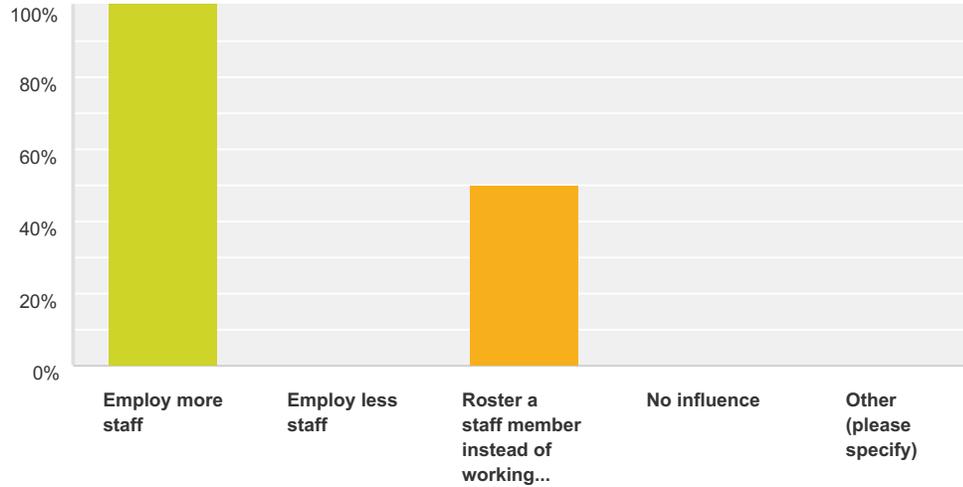


Answer Choices	Responses
Would open public holidays	5.88% 2
Would close public holidays	5.88% 2
Open for more hours on public holidays	17.65% 6
Open for less hours on public holidays	5.88% 2
No influence	52.94% 18
Other (please specify)	14.71% 5
Total Respondents: 34	

#	Other (please specify)	Date
1	we trade 24/7 with no option to reduce	8/4/2015 4:31 PM
2	Not Sufficient ABOLISH penalty Rates!! New Zealand doesnt have penalty rates and they have a thriving hospitality industry neither does most parts of the USA and UK, so why they hell should we have it!	8/4/2015 2:40 PM
3	No choice in Hospitality industry	8/4/2015 1:43 PM
4	We do not trade on public holidays because the cost of staffing is too high. That cost would still be far too high to consider trading on public holidays.	8/4/2015 12:11 PM
5	we trade to maximum hours all the time we are in the service industry so we must be open and flexible otherwise we go broke	8/4/2015 10:13 AM

Q24 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your staffing levels for that day?

Answered: 2 Skipped: 47

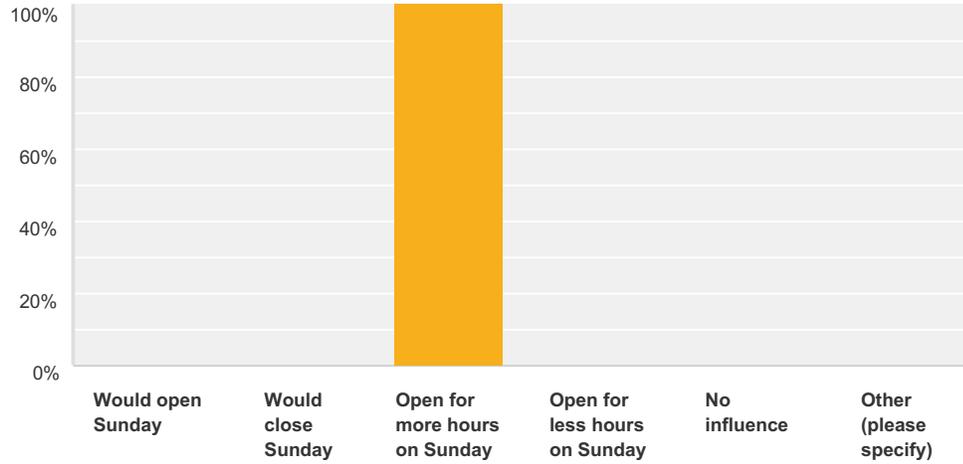


Answer Choices	Responses
Employ more staff	100.00% 2
Employ less staff	0.00% 0
Roster a staff member instead of working yourself	50.00% 1
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 2	

#	Other (please specify)	Date
	There are no responses.	

Q25 If penalty rates were reduced to base rate + 50% loading on Sundays, what impact would this have on your opening hours on that day?

Answered: 1 Skipped: 48



Answer Choices	Responses
Would open Sunday	0.00% 0
Would close Sunday	0.00% 0
Open for more hours on Sunday	100.00% 1
Open for less hours on Sunday	0.00% 0
No influence	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 1	

#	Other (please specify)	Date
	There are no responses.	

CCI Penalty Rates Survey

Q26 In your own words, what has been the impact of Sunday and public holiday penalty rates on your business?

Answered: 45 Skipped: 4

#	Responses	Date
1	We can't afford to open so we stay closed	10/7/2015 5:01 PM
2	It reduces staff employment I would prefer to close I regularly lose money every Sunday that I open and spend the rest of the week trying to make up that loss	9/29/2015 12:34 PM
3	Huge financial impact on the hospitality industry	9/19/2015 4:30 PM
4	There hasn't really been much impact as we are a business that opens 7 Days regardless. But having the penalty rates lowered would be much easier on those days that the revenue is low.	8/11/2015 11:01 AM
5	We were recently audited by Fairwork and unknowingly were paying employees on wrong rate. Hence, I now have a \$10,000.00 bill to pay. If I had known the rates I would never have had staff working those amount of hours on weekends and public holidays. I have now restructured amount of hours working and where possible have rolled over cabins to be cleaned to other days, restricting amount of hours worked on weekends. No public holidays, I will clean myself.	8/7/2015 11:51 AM
6	A large impact and we often find it difficult to cover all costs.	8/6/2015 12:20 PM
7	Our operation costs so high sometimes we do not want to sell apartments on Sundays for 1 night stays as the labour cost is too high. Also we impose higher rates for Public holiday accommodation.	8/5/2015 10:11 AM
8	As a business in a tourist area, Sunday and public holiday penalty rates have had a big impact on the viability of business long term as we rely on these busy times to carry us through the off season.	8/4/2015 9:05 PM
9	To severely curtail the opening hours and level of service and consequently employment opportunities. Vastly reduce profitability. Would like to see a small adjustment to the base rate to compensate for a dramatic reduction in penalty rates. Today we operate in a 24/7 world.	8/4/2015 5:30 PM
10	Turn away plenty of people who would be happy to work without penalty rates for weekends.	8/4/2015 4:59 PM
11	Devastating, we cannot help those people who can only work on a weekend due to uni and other education so these people now do not have any income at all. Thanks Kevin & Julia, smart move. Increase youth unemployment just to keep in with union power brokers.	8/4/2015 4:42 PM
12	In our industry (accommodation) we have no choice but to open and trade 365 days a year. Our guests expect to be able to book accommodation any day of the week and receive the same level of service and facilities regardless of what day they arrive. As a business we cannot charge any extra to stay on these days as the rooms are the same, available facilities are the same but I have to pay my staff more to work on these days. More often than not, these days are our lowest revenue days, yet have our highest expenses. Gone are the days of a regular Monday to Friday 9 to 5 job, yet our award is based on this antiquated system. It should offer more flexibility to suit our industry.	8/4/2015 4:34 PM
13	We close outlets due to the extra cost of operating on Sundays and PH's.	8/4/2015 3:59 PM
14	It provides a disincentive to encourage any more than the basic hotel activity on these days, including special promotions, enhanced hotel offerings etc. We roster to a minimum which means the customer will (sadly) inevitably not have the value for money experience that we would prefer. Other offerings such as restaurants and other attractions are probably going to be closed which provides a similar disincentive for tourism, and also provides a disincentive to the development of additional tourism assets - all leading to missed job creation opportunities and the flow on economic impact.	8/4/2015 3:43 PM
15	Full time staff are always rostered on the weekends which affects their work life balance. There is little incentive for us to open on public holidays due to the high cost and therefore impacts on businesses being open & ready for customers. We basically have to employ only juniors who do not have the necessary skills required. Even the cost of wages on PH with juniors are astronomical. We can never get our wages down to 30% as they should be...our business becomes unattractive for future new owners. Although we sell a lot of takeaway products we hire qualified chefs to create healthy chef prepared food in takeaway formats and therefore cannot charge expensive prices. There is a huge demand for this type of healthy food in the community especially with the myriad of current health problems but these wages make it impossible for us to move forward, hire new staff, invest in training etc. Basically its all about keeping our heads above water which is a major stress on everybody	8/4/2015 3:11 PM

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16	In the tourism business we have to be open every day. Our employees do the same work every day and we can only charge our customers the same rate for every day. Why should the day of the week (whether it be weekday weekend or public holiday) affect the rate of pay, especially in today's modern world?	8/4/2015 3:02 PM
17	I operate reduce hours on Sunday and Public Holidays meaning I spend the same amount of money on my staff for: 1) Less time they work 2) Less profitability 2) Less efficiency 3) Less customer service	8/4/2015 2:42 PM
18	The cost of staff in our business increased but turnover stayed the same.	8/4/2015 1:46 PM
19	Over the past 3 years, either work myself with minimal staff as support or close entirely. It is not worth opening to lose money.	8/4/2015 1:04 PM
20	as a caterer we quote jobs up front. once penalty rates have been factored in, such a small percentage of patrons proceed with the quote. if rates were to be reduced it would enable us to secure more work and enable our company to grow.	8/4/2015 1:00 PM
21	Makes it hard to make a profit	8/4/2015 12:50 PM
22	we are closed for that reason alone	8/4/2015 12:33 PM
23	We avoid taking functions on Sundays and public holidays because of the huge penalty rates. That being said as I mentioned before we are happy to pay our regular full-time staff extra penalties to work these days if they are required. However the majority of casual staff we employ only work on nights and weekends because those are the only days and times they are actually available to work. Why should their work be considered to have a greater value than the work done by a regular staff member who has through the week? We live in a 24/7 environment now, far removed from the 9 -5 Monday to Friday lives we used to have years ago. In order to be more competitive on the world stage we need to take steps to be more productive. Lets face it if someone doesn't want to work on a weekend and thinks they should be compensated the answer is simple. They don't have to work. Leave the weekend work to other staff who can only work those hours.	8/4/2015 12:30 PM
24	We have implemented policies to reduce wages by reducing opening hours plus also we do not supply housekeeping services on Sundays & Public holidays due to wage costs.	8/4/2015 12:04 PM
25	In current climate only take on work we can do as owner operators	8/4/2015 11:50 AM
26	Detrimental. It reduces profitability, efficiency and levels of service. It also reduces the number of hours we offer casual staff on these days.	8/4/2015 11:43 AM
27	The high penalty rates have meant we now operate less hours and also roster on less staff. We are also considering putting a 10% surcharge onto our customers for Sundays and public holidays due to the high wages bill. Due to less staff being rostered for shifts our meal wait time has now stretched out to anywhere between 30 - 45 mins.	8/4/2015 11:33 AM
28	Penalty rates makes rostering challenging from having salaried staff working most weekends. Business would have to be open regardless of rates due to the nature of accommodation. Flat rates would be easier to budget for without % increases. Sat / Sun now should be considered "normal" - P/H are a different beast.	8/4/2015 11:33 AM
29	Reduced profitability.	8/4/2015 11:27 AM
30	Very detrimental to the number of staff we employ on those days. It reduces our ability to operate efficiently.	8/4/2015 11:13 AM
31	Labour is the biggest expense in my business. Our peak season runs from December to May which encompasses nearly all of the public holidays. We are open every day of the year except Christmas day. Because of penalty rates more often than not, we do not break even on our labour cost on those days. I will also add we increase our prices on public holidays to cover the cost of labour (this should have been in the questionnaire).	8/4/2015 11:09 AM
32	Increased labour costs pertaining to certain remote contracts	8/4/2015 11:07 AM
33	It certainly increases the payroll to the max especially when some public holidays get paid as two. This a a totally ridiculous option and needs to be abolished.	8/4/2015 10:57 AM
34	We have to open regardless, penalty rates puts more pressure on staff levels and fairness. Most people want to work more days and we would employ them if penalties were less on weekends. We would also open for longer periods if wages weren't so high.	8/4/2015 10:30 AM
35	We are unable to trade effectively, customer service suffers and we are lucky to break even. Only reason we trade is to try and maintain some market share by servicing our loyal customers.	8/4/2015 10:27 AM
36	Erodes profitability by approximately 25-35%.	8/4/2015 10:25 AM
37	Difficult to trade profitable	8/4/2015 10:23 AM
38	Shocking! People still want to work even if there is no penalty rates Our business! if you don't want to work weekends etc at normal rates we will always find someone that will	8/4/2015 10:20 AM

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39	None yet but	8/4/2015 10:18 AM
40	Kills us and hurts salary staff families	8/4/2015 10:14 AM
41	Higher labour costs in aged care market	8/4/2015 10:14 AM
42	If we had to pay on the HIGA it would be impossible to trade & make any kind of profit	8/4/2015 10:12 AM
43	Our wages are our single biggest cost. Then you add superannuation on top. On many public holidays we lose money whereas they should be a profitable trading day.	8/4/2015 10:02 AM
44	Removed incentive to open and to not offer casual employment to young students	8/4/2015 9:57 AM
45	We trade 365 days per year providing food to the aged. We do not charge more for services on the weekends or public holidays as these have become normal trading days in most industries yet we still must pay higher rates. We have had to look at very strategic ways to roster and employ staff. Although the employees get extra rates on the weekends and public holidays, due to the rostering we cannot afford to put them on part time due to the cost of overtime rates and the very over the top rulings around overtime. The entire Hospitality Award is killing the industry. Absolutely no flexibility what so ever, which totally disadvantages the employee.	8/4/2015 9:52 AM