



5 December 2017

The Associate to Vice President Hatcher
Fair Work Commission
Level 10, 80 William Street
SYDNEY NSW 2011

By email: amod@fwc.gov.au;

Dear Associate,

**RE: FOUR YEARLY REVIEW OF MODERN AWARDS: CASUAL
EMPLOYMENT AND PART-TIME EMPLOYMENT (AM2014/196 and
AM2014/197)**

We refer to the above matter, the Commission's decision of 24 November 2017 regarding Casual employment and Part-time employment and our submission dated 1 December 2017.

Further to the submission made on behalf of The Australian Hotels Association, The Accommodation Association of Australia and The Motor Inn, Motel and Accommodation Association, we make the following supplementary submission for amendments to the draft determination in regards to the *Restaurant Industry Award 2010*.

It is our view that the effect of proposed clause 12.5 of the draft determination, which requires rostering of guaranteed hours and any additional hours to be in accordance with clause 31, inadvertently increases the minimum engagement for a part-time employee from 3 hours to 6 hours.

We submit that this can be resolved by the following amendments to the *Restaurant Industry Award 2010*.

1. By deleting clause 31.1 in its entirety and inserting the following:

31.1 Hours of work – full-time and part-time employees

- (a) *The hours of work of a full-time employee are an average of 38 per week over a period of no more than four weeks.*

- (b) *The hours of work of a part-time employee are specified in clause 12.2.*

2. By deleting clause 31.2(a) in its entirety and inserting the following:

- (a) *The minimum and maximum hours of work for full-time and part-time employees that may be worked on any one day, exclusive of meal break intervals, are:*
- (i) **Full-time employees:** *a minimum of six hours and a maximum of 11 and a half hours;*
 - (ii) **Part-time employees:** *a minimum of three hours and a maximum of 11 and a half hours.*

If any further information is required, please contact the undersigned on (02) 8218 1832 or by email at Phillip.Ryan@ahansw.com.au.

Yours faithfully,



PHILLIP RYAN
National Director, Legal and Industrial Affairs