



**SUBMISSION
4 YEARLY REVIEW OF MODERN AWARDS
ADDITIONAL COMMON ISSUES
AM2014/196 and others**

11 NOVEMBER 2014

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INTRODUCTION

1. The Accommodation Association of Australia (AAA) and the Motor Inn, Motel and Accommodation Association (Aus) (MIMA) (AAA) welcome the opportunity to make a submission to the Fair Work Commission regarding common issue proceedings.

ABOUT THE ACCOMMODATION ASSOCIATION OF AUSTRALIA AND THE MOTOR INN, MOTEL AND ACCOMMODATION ASSOCIATION

2. Both the Accommodation Association of Australia and the Motor Inn, Motel and Accommodation Association represent the Australian accommodation industry.
3. Members of the Associations include major hotels, resorts, motels, motor inns, serviced and holiday apartments, bed and breakfasts, guesthouses, backpackers and timeshare establishments in metropolitan, regional and rural Australia across all states and territories.
4. The Associations are the only organisation representing this full range of accommodation types and interests nationally, in rural and regional Australia, as well as the major cities.
5. Over 80 per cent of these businesses are SMEs and they all are part of Australia's dominant services sector, which represents over 80 per cent of our national economy.

STATEMENT BY THE PRESIDENT

6. AAA notes the Statement by the Fair Work Commission President Justice Ross dated 1 October 2014 [2014] FWC 6904 seeking submissions by interested parties on common issues to be filed by 11 November 2014.

PART TIME AND CASUAL EMPLOYMENT CLAUSES

7. AAA does not support part-time and casual clauses in Modern Awards being dealt with as a common issue matter. AAA seeks to make application in the Award Stage to vary the Part Time Employment provisions in the Hospitality Industry (General) Award to include Multi hiring and more flexible provisions to accommodate sporadic work patterns in the hospitality sector. AAA has no concerns with the current minimum engagement clauses in the Hospitality Industry (General) Award and would seek to retain them. AAA does not believe the Fair Work Commission should adopt a "one size fits all" approach to these provisions as to do so may have serious

unintended consequences. For these reasons AAA argues casual and part-time employee provisions should be dealt with at the Award stage to allow the industry specific arguments to be properly considered by the Fair Work Commission on an Award by Award process.

ADDITIONAL COMMON ISSUES

8. At paragraph 15 of Statement dated 1 October 2014 the President seeks responses to proposed additional common issues as set out below.

SMALL BUSINESS SCHEDULE

9. AAA supports the concept of a small business schedule in Modern Awards as proposed by Australian Business Industrial and the New South Wales Business Chamber subject to further consultation about the application of the schedule to hospitality industry awards. AAA supports the small business schedule being dealt with by the Fair Work Commission as an additional common issue.

TAPS ISSUES

10. AAA notes the administrative issues raised by the Association for Payroll Specialists (TAPS) appearing in some 70 Modern Awards. AAA does not support these issues as being dealt with by a Full Bench as common issue proceedings as it would appear TAPS have identified the issues of concern and arbitral proceedings would appear to be unnecessary.

ACTU DOMESTIC VIOLENCE AND FAMILY FRIENDLY CLAUSE

11. AAA does not support the introduction of new award clauses dealing with social issues rather than workplace issues and questions the jurisdiction of the Fair Work Commission to hear such an application. It was the intention of Parliament that Modern Awards deal with workplace issues within the confines of s.139 of the Fair Work Act 2009. If the Fair Work Commission believes it has the jurisdiction to hear the ACTU claims then AAA has no objection to a Full Bench hearing the claim as a common issue.