

Summary of Changes to Hospitality Award

The Fair Work Commission (**FWC**) has granted temporary coronavirus-driven variation to the *Hospitality Industry (General) Award 2010* (**Hospitality Award**) by adding Schedule L to the Award. This Schedule will operate during the COVID-19 Pandemic from 24 March 2020 until 30 June 2020. The period of operation can be extended on application to the FWC. However, the changes will not set any precedent in relation to award entitlements after the expiry date.

An updated copy of the Hospitality Award is available here:

https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000009/default.htm

Classifications and duties (L.2.1 of the Hospitality Award)

Where necessary an employer may now direct an employee to perform any duties that are within their skill and competency regardless of their classification provided the duties are safe and the employees have the correct qualifications, such as responsible service of alcohol (RSA) certification.

In these circumstances, an employee is entitled to higher duties rates.

Hours of Work (L.2.2 of the Hospitality Award)

An employer now has the right direct:

- a full time employee to work an average of between 22.8 and 38 ordinary hours per week; or
- a part time employee to work an average of between 60% and 100% of their guaranteed hours per week, or an average of between 60% and 100% of the guaranteed hours per week over the roster cycle.

Before an employer can direct an employee in this way, the employer must:

- consult with the affected employee/s in accordance with the consultation provisions (clause 8A of the Hospitality Award) about changes to rosters or hours of work and provide as much notice as practicable; and
- if the employee is a United Workers Union member, notify the Union of its intention to implement these arrangements.

It is important to note that when an employee takes a period of annual or personal leave, they will continue to accrue annual leave and personal leave, and any other applicable accruals under the Hospitality Award, based on each full-time or part-time employee's ordinary hours of work prior to the commencement of Schedule L.

In addition, when an employee takes a period of annual or personal leave, the payment for that leave will be based on the full-time or part-time employee's ordinary hours of work prior to the commencement of Schedule L.

Annual leave (L.2.3 of the Hospitality Award)

An employer is now able to, subject to considering an employees' personal circumstances, direct the employee to take annual leave with 24 hours' notice.

In addition, an employee and employer can agree to take twice as much annual leave at half pay for all or part of any period of annual leave.

Dispute resolution (L.2.4 of the Hospitality Award)

A dispute regarding the operation of Schedule L may be referred to the Fair Work Commission in accordance with Clause 9 - Dispute Resolution of the Hospitality Award.