

RESTAURANT & CATERING AUSTRALIA

RESTAURANT INDUSTRY AWARD TEMPORARY VARIATIONS

1 April 2020

Background:

In light of the current COVID-19 pandemic, the Restaurant & Catering Industry Association (“R&CA”) filed a joint application with the United Workers Union to temporarily vary the Restaurant Industry Award 2010 to allow greater operational flexibility for employers and employees.

R&CA is pleased to advise that the application has now been granted by the Fair Work Commission. These amendments are to apply from the first full pay period starting on or after 31 March 2020 and operates until 30 June 2020 (unless an application for an extension to the changes is made and granted).

This is a significant achievement affecting nearly 450,000 industry workers following weeks of active, collaborative work with the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions.

If you require any further information, please contact R&CA on 1300 722 878.

Key Award Changes:

The key changes to the Award are:

1. Classification and Duties

a. Employers may now direct employees to perform duties within their skill and competency regardless of their classification provided they have the relevant qualification (e.g. RSA Certificate).

2. Hours of Work

a. A full time employee may have their contracted hours reduced to maximum of 60% of regular hours (e.g. a full-time employee can only be required to work 22.8 hours). Payment is to be made on a pro rata basis;

b. A part time employee may work average hours between 60% and 100% of their guaranteed hours per week or per roster cycle;

c. Employers will need to follow the standard consultation clauses when arranging the above.

d. Employees will continue to accrue entitlements as per their full contract irrespective of their reduced hours.

3. Annual Leave

a. An employer may direct an employee to take annual leave with 24 hours notice, although a shorter notice period may apply if agreed; and

b. An employee may take twice as much annual leave at proportionally half the rate of pay of annual leave.

4. Close Down

a. An employer may temporarily close down their business by giving at least one (1) week's notice, or any shorter time so long as it is agreed between the employer and employees. An additional payment is also being made from 28 July 2020. Eligible entities will receive an additional payment equal to the total of all of the Boosting Cash Flow for Employers payments received.