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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or variation of award

**Australian Liquor, Hospitality and Miscellaneous Workers Union -
Tasmanian Branch**
(T5867 of 1995)
(T5868 of 1995)

HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD

COMMISSIONER P A IMLACH

10 November 1995

Award variation – second minimum rates adjustment – second arbitrated safety net
adjustment – consent matter – approved – op ffpp 1 November 1995

ORDER BY CONSENT -

No. 2 of 1995

AMEND THE **HOTELS, RESORTS, HOSPITALITY AND MOTELS AWARD** IN THE
FOLLOWING MANNER:

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Delete Clause 8 - Wage Rates, and insert in lieu thereof the following:

"DIVISION A - HOTELS, TAVERNS OR WINE SALOONS

1. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 2 of this clause an adult employee, whose weekly wage rate payable pursuant to the said subclause 2 of work is less than the undermentioned amount shall be paid in addition an allowance of such amount as will bring his or her rate of pay for such hours to the amount of \$237.80 for that week.
- (b) Where such an employee has been absent from duty in a week in circumstances entitling the employer to deduct payment for the time of non-attendance he or she shall be paid for the ordinary hours worked during such week at the rate of the said appropriate amount per week.
- (c) Where an allowance as prescribed by paragraph (a) of this subclause is payable to an employee, payments during paid leave and for holidays prescribed by Clause 22 Holidays of this award shall be calculated at the rate of the said appropriate amount per week.
- (d) Calculations for overtime, penalty rates, shift work and other payments under the award shall be made at the rate prescribed by subclause 2 of this clause for the classification in which the employee is employed.

NOTE: The purpose of fixing the minimum wage at the amount above set out is to ensure to each adult worker a minimum wage for a week's work performed in ordinary hours. The fixation of the minimum wage at the amount mentioned does not give any reason for any change in award rates of pay which are below or above the appropriate minimum wage.

2. WAGE RATES - ADULTS

- (a) An adult employee of a classification specified in the table hereunder (other than an apprentice or an employee in respect of whom a certificate under Section 79 of the Industrial Relations Act 1984 is in force) shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.
- (b) Any employee who is at the date of this award in receipt of a weekly wage rate in excess of that herein prescribed shall not have his or her wage rate reduced as a result of this award.

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	Base Rate \$	Supplementary Payment \$ (A) \$ (B)		Weekly Wage Rate \$
SECTION 1 - FOOD AND BEVERAGE				
Grade 1 (as defined)	294.00	42.60	16.00	352.60
Grade 2 (as defined)	313.10	45.80	16.00	374.90
Grade 3 (as defined)	330.50	48.10	16.00	394.60
Grade 4 (as defined)	365.20	52.00	16.00	433.20
Grade 5 Food and Beverage Supervisor (as defined)	394.90	57.20	16.00	468.10
SECTION II – KITCHEN				
Kitchen Attendant Grade 1 (as defined)	294.00	42.60	16.00	352.60
Kitchen Attendant Grade 2 (as defined)	313.10	45.80	16.00	374.90
Cook Grade 1 (as defined)	313.10	45.80	16.00	374.90
Kitchen Attendant Grade 3 (as defined)	330.50	48.10	16.00	394.60
Cook Grade 2 (as defined)	330.50	48.10	16.00	394.60
Cook Grade 3 (as defined)	365.20	52.00	16.00	433.20
Cook Grade 4 (as defined)	394.90	57.20	16.00	468.10
Cook Grade 5 (as defined)	413.10	59.80	16.00	488.90

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SECTION III - GUEST SERVICE

Grade 1 (as defined)	294.00	42.60	16.00	352.60
Grade 2 (as defined)	313.10	45.80	16.00	374.90
Grade 3 (as defined)	330.50	48.10	16.00	394.60
Grade 4 (as defined)	365.20	52.00	16.00	433.20
Supervisor (as defined)	394.90	57.20	16.00	468.10

SECTION IV - ADMINISTRATION GENERAL

Storeperson Grade 1 (as defined)	313.10	45.80	16.00	374.90
Storeperson Grade 2 (as defined)	330.50	48.10	16.00	394.60
Storeperson Grade 3 (as defined)	354.70	52.00	16.00	422.70
Handyperson (as defined)	330.50	48.10	16.00	394.60
Doorperson/Security Officer Grade 1 (as defined)	313.10	45.80	16.00	374.90
Timekeeper/Security Officer Grade 2 (as defined)	330.50	48.10	16.00	394.60

SECTION V - LEISURE

Greenkeeper Grade 1 (as defined)	318.80	45.80	16.00	380.60
Greenkeeper Grade 2 (as defined)	337.40	48.10	16.00	401.50
Greenkeeper (Tradesperson) Grade 3 (as defined)	365.20	52.00	16.00	433.20

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Head Greenkeeper (Tradesperson) (as defined)	401.70	57.20	16.00	474.90
Leisure Attendant Grade 1 (as defined)	313.10	45.80	16.00	374.90
Leisure Attendant Grade 2 (as defined)	330.50	48.10	16.00	394.60
Leisure Attendant Grade 3 (as defined)	354.70	52.00	16.00	422.70

SECTION VI - MISCELLANEOUS

Persons not otherwise provided for (as defined)	294.00	42.60	16.00	352.60
Introductory Level (as defined)	277.90	40.60	16.00	334.50
Forklift Driver (as defined)	337.40	48.10	16.00	401.50

- (a) Notwithstanding the recognition of five career path streams, such streaming does not prevent employees undertaking duties across different streams.

PROVIDED that where work is undertaken at a higher grade and/or at a higher rate then Clause 21 - Higher and Lower Grade Work, applies.

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SECTION VII - FRONT OFFICE AND CLERICAL

An adult employee of a front office or clerical classification specified in the table hereunder shall be paid not less than the weekly wage rate assigned to that classification for the area in which such employee is working.

	Base Rate \$	Supplementary Payment \$ (A) \$ (B)		Weekly Wage Rate \$
Front Office Grade 1 (as defined)	313.10	45.80	16.00	374.90
Front Office Grade 2 (as defined)	330.50	48.10	16.00	394.60
Front Office Grade 3 (as defined)	365.20	52.00	16.00	433.20
Front Office Supervisor (as defined)	394.90	57.20	16.00	468.10
Clerical Grade 1 (as defined)	313.10	45.80	16.00	374.90
Clerical Grade 2 (as defined)	330.50	48.10	16.00	394.60
Clerical Grade 3 (as defined)	354.70	52.00	16.00	422.70
Clerical Supervisor (as defined)	394.90	57.20	16.00	468.10

3. JUNIORS

(a) Junior Employees (other than Junior Office Employee)

The minimum weekly wage rate for junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the appropriate adult classification for the work performed for the area in which such junior is working.

Age	%
17 years of age and under	70
18 years of age	80
19 years of age	90
20 years of age	100

(b) Junior Office Employee

The minimum weekly wage rate for junior office employees shall be the undermentioned percentages of rates prescribed for the Front Office Employee Grade 1.

Age	%
At 15 years of age and under	50
At 16 years of age	60
At 17 years of age	70
At 18 years of age	80
At 19 years of age	90
At 20 years of age	100

(c) The weekly wage rate prescribed in paragraphs (a) and (b) of this subclause shall be calculated as follows:

The weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the next 10 cents.

(d) Junior male or female employees, on reaching the age of 18 years, may be employed in the bar or other places where liquor is sold.

PROVIDED that where such junior is employed in the front of the house, the adult award rate for the work being performed shall be paid.

(e) Junior employees being paid junior rates may be employed in the proportion not exceeding one junior to every three or fraction of three adults employed.

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Notwithstanding anything elsewhere contained in this award where such junior employees are employed in excess of one to every three or fraction of three adults each such additional junior shall be paid the adult award rate for the work being performed. In deciding which junior or juniors shall be paid the adult rate, the length of service in the establishment shall apply.

- (f) An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it shall be borne by the employer.
- (g) No employee under the age of 18 years shall be required to work more than 10 hours in a shift.

4. APPRENTICES

- (a) Where an employee is apprenticed in the cooking trade in accordance with the provision of any State law and/or regulation made by the Training Authority of Tasmania such employee shall be paid the percentage of the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 in subclause 2 hereof as follows:

	Percentage of Cook Grade 3 (433.20) %	Weekly Wage Rate \$
First year	50	216.60
Second year	65	281.60
Third year	80	346.60
Fourth year	90	389.90

- (b) Where an employee is apprenticed in waiting in accordance with the provision of any State law and/or regulation made by the Tasmanian State Training Authority such employee shall be paid the percentage of the weekly wage rate prescribed for a Food and Beverage Attendant Grade 4 in subclause 2 of this award as follows:

	Percentage of F&B Grade 4 (433.20) %	Weekly Wage Rate \$
First six months	62	268.60
Second six months	76	329.20
Third six months	76	329.20
Fourth six months	90	389.90
Fifth six months	90	389.90

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- (c) Any person completing a full apprenticeship as a qualified tradesperson or as defined in Clause 7 - Definitions shall be paid not less than the weekly wage rate prescribed for a Cook (Tradesperson) Grade 3 of subclause 2 of this clause. The provisions of subclause 3 of this clause shall not apply to an employee provided for in this subclause.

The above percentages shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the next 10 cents.

5. TRAINEES (ATS) (as defined)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentage in subclause 3 hereof, applying it to the weekly wage rate prescribed for the classification Food and Beverage Attendant Grade 2 in subclause 2 hereof and multiplying the result by 39 and then dividing by 52.

	Weekly Wage Rate
	\$
17 years of age	196.80
18 years of age	224.90
19 years of age	253.10
20 years of age	281.20

PROVIDED that the wage rate shall in no case be less than the weekly wage rate prescribed by the ATS guidelines, and the rate calculated shall be subject to any relevant adjustment as may be prescribed by the Tasmanian Industrial Commission."

DIVISION B - MOTELS

1. MINIMUM WAGE

- (a) Notwithstanding the provisions of subclause 2 hereof, an adult employee, whose weekly wage rate payable pursuant to subclause 2 for ordinary hours of work together with overaward payments is less than \$231.80 appropriate to his or her location, shall be paid in addition an allowance of such amount as will bring his or her rate of pay for such to the said appropriate amount for that week.
- (b) Where such an employee has been absent from duty in a week in circumstances entitling the employer to deduct payment for the time of non-attendance he or she shall be paid for the ordinary hours worked during such week at the rate of the said appropriate amount per week.
- (c) Where an allowance as prescribed by subclause (a) hereof is payable to an employee, payments during paid leave and for holidays prescribed by this award shall be calculated at the rate of the said appropriate amount per week.

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- (d) Calculations for overtime, penalty rates, shift work and other payment under the award shall be made at the rate prescribed by subclause 2 hereof for the classification in which the employee is employed.

NOTE: The purpose of fixing the minimum weekly wage as above set out is to ensure to each adult worker a minimum weekly wage for a week's work performed in ordinary hours. The fixation of the minimum weekly wage at the amount mentioned does not give any reason for any change in award rates of pay which are below or above the appropriate minimum weekly wage.

2. WAGE RATES - ADULTS

- (a) An adult employee of a classification specified in the table hereunder (other than an apprentice or an employee in respect of whom a certificate under Section 79 of the Industrial Relations Act 1984 is in force) shall be paid not less than the rate per week assigned to that classification for the area in which such employee is working. Plus the allowance set out in subclause (c) hereof.
- (b) Any employee who is, at the date of this award, in receipt of a weekly wage rate in excess of that herein prescribed shall not have his or her weekly wage rate reduced as a result of this award.

	Base Rate \$	Supplementary Payment \$ (A)	\$ (B)	Weekly Wage Rate \$
FOOD-BEVERAGE-HOUSEKEEPING				
Introductory Level (as defined)	266.60	37.90	16.00	320.50
Hospitality Services Grade 1 (as defined)	284.50	40.50	16.00	341.00
Hospitality Services Grade 2 (as defined)	295.80	42.10	16.00	353.90
Hospitality Services Grade 3 (as defined)	317.70	45.30	16.00	379.00
Hospitality Services Grade 4 (as defined)	337.40	48.10	16.00	401.50
Hospitality Services Grade 5 (as defined)	365.20	52.00	16.00	433.20
Hospitality Services Grade 6 (as defined)	383.50	54.60	16.00	454.10

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Hospitality Services Grade 7 (as defined)	401.70	57.20	16.00	474.90
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ADMINISTRATION/FRONT OFFICE

Hospitality Administration and Front Office Grade 1 (as defined)	298.00	40.60	16.00	354.60
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Hospitality Administration and Front Office Grade 2 (as defined)	317.70	45.30	16.00	379.00
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Hospitality Administration and Front Office Grade 3 (as defined)	365.20	52.00	16.00	433.20
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Hospitality Administration and Front Office Supervisor (as defined)	383.50	54.60	16.00	454.10
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LEISURE ACTIVITIES

Leisure Attendant Grade 1 (as defined)	295.80	42.10	16.00	353.90
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Leisure Attendant Grade 2 (as defined)	317.70	45.30	16.00	379.00
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Leisure Attendant Grade 3 (as defined)	345.00	49.60	16.00	410.60
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(c) Additional Allowance

In addition to the weekly wage rates set out in subclause 2 (b) hereof the following additional allowances shall be paid for the following classifications for all purposes of the award.

Classification	Tasmania \$
Hospitality Administration and Front Office Grade 1	
2nd year of adult service in clerical industry	13.30
3rd year of adult service in clerical industry	21.80

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3. APPRENTICES - COOKING TRADE

Notwithstanding where an employee is apprenticed in accordance with the provisions of any State law and/or regulations made by the Tasmanian State Training Authority, such employees shall be paid the percentage of the weekly wage rate prescribed for a Hospitality Service Grade 5 in subclause 2 (b) of this clause as follows:

	Percentage of Hospitality Services Grade 5 (\$433.20) %	Weekly Wage Rate \$
First year	55	238.30
Second year	65	281.60
Third year	80	346.60
Fourth year	95	411.50

The above percentages shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the higher 10 cents.

4. JUNIOR EMPLOYEES

(a) Junior - per week of 40 hours (other than Office Juniors)

The minimum weekly wage rate for junior employees shall be the undermentioned percentages of the weekly wage rate prescribed for the adult classification appropriate to the work performed for the area in which the work is performed.

Age	%
17 years of age and under	60
18 years of age	70
19 years of age	85
20 years of age	100

(b) Junior Office Employees

The minimum weekly wage rate for junior office employees shall be the undermentioned percentages based on the adult weekly wage rate for the Hospitality Administration and Front Office Grade 1 classification:

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Age	Percentage (\$354.60) %	Weekly Wage Rate \$
At 15 years of age and under	37	131.20
At 16 years of age	44	156.00
At 17 years of age	58	205.70
At 18 years of age	72	255.30
At 19 years of age	82.5	292.50
At 20 years of age	94	333.30

- (c) The percentages prescribed in subclauses (a) and (b) of this clause shall be calculated as follows:

The weekly wage rate shall be calculated to the nearest 10 cents, any broken part of 10 cents in the result being less than 5 cents shall be disregarded - 5 cents and over shall go to the higher 10 cents.

- (d) Junior employees on reaching the age of 18 years, may be employed in the sale of liquor.

PROVIDED that the maximum number shall be one to every three adults similarly employed receiving a minimum weekly wage rate prescribed in this Division.

PROVIDED ALWAYS that where such junior is employed, the adult weekly wage rate for the work being performed shall be paid.

- (e) Junior employees may be employed elsewhere in the proportion not exceeding one junior to every three or fraction of three adults employed therein and paid the junior rates prescribed in this Division. Notwithstanding anything elsewhere contained in this award where junior employees are employed in excess of one to every three or fraction of three adults, each such additional junior shall be paid the adult award rate for the work being performed. In deciding which junior or juniors shall be paid the adult rate, the length of service in the establishment shall apply.
- (f) An employer may at any time demand the production of a birth certificate or other satisfactory proof for the purpose of ascertaining the correct age of a junior employee. If a birth certificate is required, the cost of it shall be borne by the employer.

5. TRAINEE (ATS) (as defined)

The weekly wage rate payable to Trainees (ATS) shall be calculated by taking the appropriate junior percentages in subclause 4 (a) hereof, applying it to the weekly wage rate prescribed for the classification Hospitality Service Grade 2 in subclause 2 hereof and multiplying the result by 39 and then dividing by 52.

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Weekly Wage Rate]

\$

17 years of age	159.30
18 years of age	185.80
19 years of age	225.60
20 years of age	265.40

PROVIDED that the wage rate shall in no case be less than the weekly wage rate prescribed by the ATS guidelines, and the rate calculated shall be subject to any relevant adjustment as may be prescribed by the Tasmanian Industrial Commission."

OPERATIVE DATE

The foregoing variations shall come into effect from the first full pay period commencing on or after 1 November 1995.

P A Imlach
COMMISSIONER

2 June 1995