

IN THE FAIR WORK COMMISSION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards
Registered and Licensed Clubs Award 2010
(AM2014/283)

THE CLUB MANAGERS' ASSOCIATION, AUSTRALIA

IN RELATION TO THE REGISTERED AND LICENCED CLUBS AWARD EXPOSURE DRAFT DATED 30 April 2020

BACKGROUND

1. This Submission is made pursuant to the Statement of the Fair Work Commission (FWC) on 30 April 2020 – FWC 2262
2. In accordance with those directions, The Club Managers' Association Australia wishes to confirm that we still press the following outstanding claims, outlined in the Association's Submissions dated the 4th of March 2020 and 26th of April 2019

Club Managers' Association, Australia

Clause 2—Definitions—ordinary hourly rate

Clause 19.3(d)(ii) –Laundry allowance

Clause 25.1(b) —Annual leave

3. Annexure A details – Draft determination. Details the nature of the Claims sought by the Association.

CLUBS AUSTRALIA INDUSTRIAL (CAI)

S7 – Submission 16/11/15 – Withdrawn before Justice Ross 10 April 2019

4. The Association seeks clarification as to whether CAI is able to re insert and expand a claim (4 March 2020 submission) to withdraw annual leave loading payable to managers receiving either the 20% or 50% exemption pursuant to clause 18.5 (a) (i) & (ii) of the draft exposure award. The Association opposes the pressing of this claim by CAI.

***Filed by: 11 May 2020 2020
Peter Cooper
Senior Industrial Advocate
Club Managers' Association, Australia
Shop 2/ 23 Forest Road
Hurstville NSW 2220***

ANNEXURE A

FAIR WORK COMMISSION

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Registered and Licensed Clubs Award 2010

[MA000058]

Registered and licensed clubs industry

COMMISSION MEMBER

SYDNEY, XX YYY 2020

Review of modern awards to be conducted.

Further to the Decision and Reasons for Decision <> in AM2014/283, it is determined pursuant to section 157(2)(b)(i) of the Fair Work Act 2009, that the Registered and Licensed Clubs Award 2010 be varied as follows:

[1] By deleting clause **2 Definitions - ordinary hourly rate**, by amending the following:

‘ordinary hourly rate means the minimum hourly rate for an employee's classification specified in clause 18.3 and 18.5(a)(i) plus any all purpose allowance to which an employee is entitled’

[2] By deleting clause *19.3(d)(ii)* – **(d) Uniforms – club managers**

By inserting - (ii) Where the employer requires a manager to wear a uniform, the employer must pay to the employee an allowance of \$12.50 per week to cover the costs of laundering the uniform. The provisions of clause 19.3(d)(ii) do not apply where the employer arranges for the uniform to be laundered without cost to the manager.

[3] By deleting clause *25.1.(b)* – **25. Annual Leave**

By inserting - clause 25.1(b) as follows:

“For the purpose of the additional week of leave provided by the NES, a shiftworker means a seven day shiftworker who is regularly rostered to work on Sundays and public holidays. The additional leave shall also apply to a club manager as defined in this award.”

[4] The determination shall operate on and from XX YYY 2020.

BY THE COMMISSION