

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Application No. CICS 10 OF 2022

**COMMISSION'S OWN MOTION PURSUANT TO SECTION 37D TO VARY THE
CLERKS' (HOTELS, MOTELS AND CLUBS) AWARD 1979**

NOTICE is given by the Commission's Own Motion pursuant to section 37D of the *Industrial Relations Act 1979* (WA) of the Commission's intention to vary the scope of the *Clerks' (Hotels, Motels and Clubs) Award 1979*.

The proposed variations are published in the annexed table.

A copy of the application and proposed variations may be inspected at my office by appointment at 111 St Georges Terrace, Perth.

A hearing for the purpose of affording interested persons an opportunity to be heard in relation to the proposed variations will be held at the Commission, Level 18, 111 St Georges Terrace Perth on Wednesday, 13th day of December 2023 at 2:15 pm.

Any person who wishes to be heard in relation to the proposed variations should contact Chief Commissioner Kenner's Chambers by email at Chambers-Kenner@wairc.wa.gov.au.

S. BASTIAN
REGISTRAR

9 NOVEMBER 2023

CLERKS' (HOTELS, MOTELS AND CLUBS) AWARD 1979

Current Award	Proposed Variations
<u>3. – SCOPE</u>	<u>3. – SCOPE</u>
<p>This award shall apply to all workers employed as clerks in the industry of Hotel, Motel, Club and Service Flats but it shall not apply to any worker who substantially performs duties of a non-clerical nature which are covered by an award to which the Federated Liquor and Allied Industries Employees Union of Australia Western Australian Branch, Union of Workers is a party. This award shall not apply to workers in the industrial catering industry.</p>	<p>(1) This award applies to all private sector employees who are wholly or principally engaged in clerical work in the hospitality industry, and their employers.</p> <p>(2) This award also applies to employers that supply labour on an on-hire basis to host employers in respect of on-hire employees engaged in clerical work in the hospitality industry, and those on-hire employees, while engaged in the performance of work covered by this award.</p> <p>(3) This award does not apply to:</p> <ul style="list-style-type: none"> (a) clerical employees working in the industrial catering industry. (b) employees or employers covered by the national industrial relations system; (c) local government authorities; and (d) employees who are covered by another award of the Western Australian Industrial Relations Commission, including the: <ul style="list-style-type: none"> (i) Clerks' (Accountants' Employees) Award 1984; (ii) Clerks' (Bailiffs' Employees) Award 1978; (iii) Clerks (Commercial, Social and Professional Services) Award 1972 No. 14 of 1972; (iv) Clerks' (Customs and/or Shipping and/or Forwarding Agents) Award; (v) Clerks' (Grain Handling) Award, 1977; (vi) Clerks' (Racing Industry - Betting) Award 1978; (vii) Clerks' (Timber) Award; (viii) Clerks' (Unions and Labor Movement) Award 2004; and (ix) Clerks' (Wholesale & Retail Establishments) Award No. 38 of 1947.
<u>4. – AREA</u>	<u>4. – AREA</u>
<p>The award shall operate within the State of Western Australia excepting that portion of</p>	<p>(1) This award shall have effect throughout the State of Western Australia.</p>

the State within the 20th and 26th parallels of latitude and the 125th and 129th meridian of longitude.

(2) This award also has effect with respect to employers who are connected to the State of Western Australia and their employees while performing work covered by this Award.

Note: For a non-exhaustive list of indicators of when an employer may be connected to the State of Western Australia, see section 3(2) of the *Industrial Relations Act 1979*. Indicators include, but are not limited to, whether the employer is:

- Domiciled or resident in, or has an office or a place of business in, the State; or
- registered, incorporated, or established under a law of the State; or
- the holder of a licence, lease, tenement, permit, or other authority, granted under a law of the State or by a public authority.

6. – DEFINITIONS

"Accrued Day Off" shall mean the day, or part of a day, which accrues only to those employees who work their ordinary hours of work pursuant to the provisions of subclause (1)(d)(i) of Clause 11. - Hours of this award.

"Adult" means an employee twenty-one years of age and over, or an employee who is in receipt of the prescribed adult rate of pay.

"Clerk" means any person engaged for or substantially employed on clerical work and without limiting the generality of the term it includes typists, stenographers and telephonists; receptionists and messengers where such employees do clerical work, and employees employed to operate calculating, billing or other machines designed to perform or assist in performing any clerical work whatsoever.

"Club" for the purposes of this award means employers undertakings described as clubs that provide a service to members in the form of accommodation, or dining and/or liquor facilities.

"Non-Working Day" shall mean any day upon which an employee, pursuant to the terms of the contract of employment, is not available to the employer for the purposes of rostering the ordinary hours of work.

6. – DEFINITIONS

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"Adult" means an employee twenty-one years of age and over, or an employee who is in receipt of the prescribed adult rate of pay.

"Clerical work" (without limiting the generality of the term) includes recording, typing, calculating, invoicing, billing, charging, checking, receiving and answering calls, cash handling, operating a telephone switchboard, attending a reception desk and administrative duties of a clerical nature.

"Club" for the purposes of this award means employers undertakings described as clubs that provide a service to members in the form of accommodation, or dining and/or liquor facilities.

"Hospitality industry" means:

- (a) hotels;
- (b) motor inns and motels;
- (c) boarding establishments;

<p>"Ordinary Hours Work Period" shall mean the total number of ordinary hours worked, or deemed to have been worked, on any day.</p> <p>"Rostered Day Off" shall mean any day (other than a "Non-Working Day" as defined) upon which an employee is not rostered to work any ordinary hours of work provided that an employee's rostered day off shall be a period of twenty-four hours commencing from the completion of an ordinary hours work period.</p>	<ul style="list-style-type: none"> (d) condominiums or similar establishments; (e) health or recreational farms; (f) private hotels, guest houses or serviced apartments; (g) caravan parks; (h) clubs; (i) holiday flats or units, ranches or farms; (j) hostels or any other type of residential or tourist accommodation; (k) wine saloons, wine bars or taverns; (l) liquor booths; (m) resorts; (n) restaurants operating in, or in connection with, premises owned or operated by employers otherwise covered by this award; (o) casinos; and (p) function areas or convention or similar facilities operating in, or in connection with, premises mentioned in (a) to (o) above. <p>"Non-Working Day" shall mean any day upon which an employee, pursuant to the terms of the contract of employment, is not available to the employer for the purposes of rostering the ordinary hours of work.</p> <p>"Ordinary Hours Work Period" shall mean the total number of ordinary hours worked, or deemed to have been worked, on any day.</p> <p>"Rostered Day Off" shall mean any day (other than a "Non-Working Day" as defined) upon which an employee is not rostered to work any ordinary hours of work provided that an employee's rostered day off shall be a period of twenty-four hours commencing from the completion of an ordinary hours work period.</p>
<p style="text-align: center;"><u>7. – WAGES</u></p> <p>(2) Adult Employees (rate per fortnight):</p>	<p style="text-align: center;"><u>7. – WAGES</u></p> <p>(2) Adult Employees (rate per fortnight):</p>

		Base Rate per Fortnight \$	Arbitrated Safety Net Adjustment per Fortnight \$	Total Rate per Fortnight \$
(a)	At 21 years of age	724.10	1089.90	1814.00
	At 22 years of age	732.40	1091.60	1824.00
	At 23 years of age	739.80	1092.90	1832.70
	At 24 years of age	747.70	1094.50	1842.20
	At 25 years of age and over	756.70	1096.30	1853.00
(b)	Adult stenographers, comptometer or calculating or ledger machine operators shall receive in addition to the rates set out in paragraph (a) of this subclause, the following amount per fortnight. Provided that the allowance shall not be paid to an employee for using a calculator for the purpose of simple arithmetic calculation.			11.30
(c)	Senior Clerks (classified as such or in default of agreement, by a Board of Reference)	768.60	1098.50	1867.10

		Base Rate per Fortnight \$	Arbitrated Safety Net Adjustment per Fortnight \$	Total Rate per Fortnight \$
(a)	At 21 years of age	724.10	1089.90	1814.00
	At 22 years of age	732.40	1091.60	1824.00
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	At 25 years of age and over	756.70	1096.30	1853.00
(b)	Adult stenographers, comptometer or calculating or ledger machine operators shall receive in addition to the rates set out in paragraph (a) of this subclause, the following amount per fortnight. Provided that the allowance shall not be paid to an employee for using a calculator for the purpose of simple arithmetic calculation.			11.30
(c)	Senior Clerical Worker (classified as such or in default of agreement, by a Board of Reference)	768.60	1098.50	1867.10

11A. – CASUAL EMPLOYEES

(3) Notwithstanding the provisions of this clause the basis and terms of employment of casual clerks may be varied in any particular case by agreement in writing between the employer and the union.

11A. – CASUAL EMPLOYEES

(3) Notwithstanding the provisions of this clause the basis and terms of employment of casual clerical workers may be varied in any particular case by agreement in writing between the employer and the union.

13. – OVERTIME

(8) Any employee in receipt of a rate of wage twenty per centum per fortnight or more in excess of the rate herein prescribed for a senior clerk shall be paid at the ordinary rate of pay prescribed by this award for the classification applicable to that employee in lieu of the overtime rates prescribed by this clause.

13. – OVERTIME

(8) Any employee in receipt of a rate of wage twenty per centum per fortnight or more in excess of the rate herein prescribed for a Senior Clerical Worker shall be paid at the ordinary rate of pay prescribed by this award for the classification applicable to that employee in lieu of the overtime rates prescribed by this clause.

18. – ANNUAL LEAVE

(2) (c) A worker in receipt of a wage prescribed by this award for the classification of "Senior Clerk" with the addition of twenty per centum may be employed on the basis that the annual leave loading prescribed in paragraph (a) hereof may be calculated on a rate other than his ordinary rate provided that such rate is not less than the Senior Clerk's rate. This paragraph only applies to a worker who has signed a statement in his own handwriting to this effect at the time of his engagement or to a worker employed on this basis prior to 30th April 1981.

18. – ANNUAL LEAVE

(2) (c) A worker in receipt of a wage prescribed by this award for the classification of "Senior Clerical Worker" with the addition of twenty per centum may be employed on the basis that the annual leave loading prescribed in paragraph (a) hereof may be calculated on a rate other than his ordinary rate provided that such rate is not less than the Senior Clerical Worker's rate. This paragraph only applies to a worker who has signed a statement in his own handwriting to this effect at the time of his

	engagement or to a worker employed on this basis prior to 30th April 1981.
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