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IMPORTANT INFORMATION

This award summary outlines the major provisions of the Restaurant, Tearoom and Catering Workers Award. It applies only to employers and employees who are in the Western Australian state industrial relations system and who are covered by this state award.

Major changes to legislation in 2006 mean that some employers and employees who were previously covered by state awards are now covered by the national system for industrial relations. From 1 January 2010 many of these employers and employees will be covered by national modern awards created under the Fair Work Act 2009. If you are unsure if you are in the WA state system, please contact Wageline or visit our website www.commerce.wa.gov.au/wageline.

The Department of Commerce has prepared this state award summary to provide information on pay rates and major award provisions. It is provided as a general guide only and is not designed to be comprehensive or to provide legal advice. The Department of Commerce does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.

For more information please contact Wageline on 1300 655 266.

This schedule has been approved by the Registrar of the WAIRC as a summary of the award for the purposes of registering an Employer Employee Agreement (EEA).

Award Name: Restaurant, Tearoom & Catering Workers Award
76 hr fortnight

Effective from: (1) Effective on and from the commencement of the first pay period on or after 1 October 2009 (Order No. 1/2009) – State Wage Case Decision
(2) Effective on and from the commencement of the first pay period on or after 1 July 2009 (Order No. 24/2009) - Increases to Location Allowances

All rates on this summary are gross (before tax)

ADULT EMPLOYEES

Full time/Part-Time Employee

Casual Employee
(Rate includes casual loading)

	Fortnightly	Full time/Part-Time Employee			Casual Employee		
		Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday	Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
Introductory	\$1,139.40	\$14.99	\$22.49	\$37.48	\$18.74	\$22.49	\$33.73
Level 1	\$1,172.80	\$15.43	\$23.15	\$38.58	\$19.29	\$23.15	\$34.72
Level 2	\$1,223.00	\$16.09	\$24.14	\$40.23	\$20.12	\$24.14	\$36.21
Level 3	\$1,259.60	\$16.57	\$24.86	\$41.43	\$20.72	\$24.86	\$37.29
Level 4	\$1,327.00	\$17.46	\$26.19	\$43.65	\$21.83	\$26.19	\$39.29
Level 5	\$1,410.40	\$18.56	\$27.84	\$46.39	\$23.20	\$27.84	\$41.76
Level 6	\$1,448.20	\$19.06	\$28.58	\$47.64	\$23.82	\$28.58	\$42.87

In addition to the above rates, full time and part time employees receive an extra **\$1.66 per hour** for any ordinary hours worked between 7:00 pm and 7:00am Monday to Friday (**\$1.75 per hour** if most of those hours are between 12:00 midnight and 7:00 am) A split shift allowance of **\$2.70 per day** is payable if the ordinary hours of work are performed in more than one period (excluding meal breaks).

These additional rates do not apply to casual employees.

APPRENTICES

Expressed as a percentage of the "Tradesman's Rate - Level 4

4 YEAR	3.5 YEAR	3 YEAR	%	Fortnightly	Hourly Mon-Fri	Hourly Sat-Sun	Public Holiday
1st Year	0-6 months		42%	\$557.34	\$7.33	\$11.00	\$18.33
2nd Year	7-18 months	1st year	55%	\$729.85	\$9.60	\$14.40	\$24.01
3rd Year	19-30 months	2nd year	75%	\$995.25	\$13.10	\$19.64	\$32.74
4th Year	31-42 months	3rd year	88%	\$1,167.76	\$15.37	\$23.05	\$38.41

ADULT APPRENTICES aged 21 and above receive **\$995.20 per fortnight** or the apprenticeship rate **WHICHEVER IS THE HIGHER** for ordinary hours of work. This rate is payable on superannuation and during any period of paid leave prescribed by this award. Where in the Award an additional rate is expressed as a percentage, fraction, multiple of the ordinary rate of pay, it shall be calculated upon the rate prescribed in this Award for the actual year of apprenticeship.

JUNIOR EMPLOYEES

Subject to the provisions of the *Liquor Licensing Act 1988*, workers under the age twenty-one years may be employed as junior workers in any of the occupations covered by this award, other than an apprenticeships trade.

A Junior employee is to be paid the appropriate percentage of a Level 1 employee.

Level 1 Junior Rates		Full time/Part-Time Employee				Casual Employee (Rate includes casual loading)		
Expressed as a percentage of the Adult Level 1 Rate		Fortnightly	Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday	Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
Under 16 years of age	50%	\$586.40	\$7.72	\$11.57	\$19.29	\$9.64	\$11.57	\$17.36
At 16 years	60%	\$703.68	\$9.26	\$13.89	\$23.15	\$11.57	\$13.89	\$20.83
At 17 years	70%	\$820.96	\$10.80	\$16.20	\$27.01	\$13.50	\$16.20	\$24.30
At 18 years	80%	\$938.24	\$12.35	\$18.52	\$30.86	\$15.43	\$18.52	\$27.78
At 19 years	90%	\$1,055.52	\$13.89	\$20.83	\$34.72	\$17.36	\$20.83	\$31.25
At 20 years of age and over		Full adult rates of the appropriate classification						

However, a junior employee, who has had **NO PREVIOUS EXPERIENCE** in the industry, may be paid under the introductory rate in line with the period, terms and conditions contained in Clause 6.22 – Definitions, (see below).

Introductory Junior Rates		Full time/Part-Time Employee				Casual Employee (Rate includes casual loading)		
Expressed as a percentage of the Adult Introductory Rate		Fortnightly	Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday	Hourly Mon - Fri	Hourly Sat/Sun	Public Holiday
Under 16 years of age	50%	\$569.70	\$7.50	\$11.24	\$18.74	\$9.37	\$11.24	\$16.87
At 16 years	60%	\$683.64	\$9.00	\$13.49	\$22.49	\$11.24	\$13.49	\$20.24
At 17 years	70%	\$797.58	\$10.49	\$15.74	\$26.24	\$13.12	\$15.74	\$23.61
At 18 years	80%	\$911.52	\$11.99	\$17.99	\$29.98	\$14.99	\$17.99	\$26.99
At 19 years	90%	\$1,025.46	\$13.49	\$20.24	\$33.73	\$16.87	\$20.24	\$30.36
At 20 years of age and over		Full adult rates of the appropriate classification						

Clause. 6.22: Introductory Rate means the level of an employee who enters the industry and who has not demonstrated the competency requirements of level 1. Such an employee will remain at this level **for up to three months** while the appropriate training for level 1 is undertaken and assessment made to move from the introductory level-to-level 1. At the end of three months from entry, an employee will move to level 1 other than where agreement has been reached and recorded between the employee and the employer that further training of up to three months is required for the employee to achieve competence for movement to level 1.

Restaurant, Tearoom & Catering Workers Award

Food and Beverage

Food and Beverage Attendant Grade 1 (Level 1)

Means an employee who is engaged in any of the following:

- Picking up glasses
- Emptying ashtrays
- General assistance to food and beverage attendants of a higher grade not including service to customers
- Removing food plates
- Setting and/or wiping down tables
- Cleaning and tidying of associated areas

Food and Beverage Attendant Grade 2 (Level 2)

Means an employee who has not achieved the appropriate level of training and who is engaged in any of the following:

- Supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department
- Assisting in the cellar or bottle department
- Undertaking general waiting duties of both food and/or beverage including cleaning of tables
- Receipt of monies
- Attending a snack bar
- Engaged on delivery duties

Food and Beverage Attendant Grade 3 (Level 3)

Means an employee who has the appropriate level of training and is engaged in any of the following

- Supplying, dispensing or mixing of liquor including the sale of liquor from the bottle department
- Assisting in the cellar or bottle department, where duties could include working up to four hours per day (averaged over the relevant work cycle) in the cellar without supervision
- Undertaking general waiting duties of both food and liquor including cleaning of tables
- Receipt and dispensing of monies
- Engaged on delivery duties; or

In addition to the tasks performed by a food and beverage attendant grade 2 the employee is also involved in

- The operation of a mechanical lifting device; or
- Attending a wagering (eg. TAB) terminal, electronic gaming terminal or similar terminal.

And/or means an employee who is engaged in any of the following

- Full control of a cellar or liquor store (including the receipt, delivery and recording of goods within such an area)
- Mixing a range of sophisticated drinks
- Supervising food and beverage attendants of a lower grade
- Taking reservations, greeting and seating guests
- Training food and beverage attendants of a lower grade

Food and Beverage Attendant (Tradesperson) Grade 4 (Level 4)

Means an employee who has completed the appropriate level of training or who has passed the appropriate trade test and as such carries out specialised skilled duties in a fine dining room or restaurant.

Food and Beverage Supervisor (Level 5)

Means an employee who has the appropriate level of training including a supervisory course and who has the responsibility for supervision, training and co-ordination of food and beverage staff, or stock control for a bar or series of bars.

Kitchen

Kitchen Attendant Grade 1 (Level 1)

Means an employee engaged in any of the following

- General cleaning duties within a kitchen or food preparation area and scullery, including the cleaning of cooking and general utensils used in a kitchen and restaurant
- Assisting employees who are cooking
- Assembly and preparation of ingredients for cooking; or
- General pantry duties

Kitchen Attendant Grade 2 (Level 2)

Means an employee who has the appropriate level of training, and who is engaged in specialised non-cooking duties in a kitchen or food preparation area, or supervision of kitchen attendants.

Kitchen Attendant Grade 3 (Level 3)

Means an employee who has the appropriate level of training including a supervisory course, and has the responsibility for the supervision, training and co-ordination of kitchen attendants of a lower grade.

Cook Grade 1 (Level 2)

Means an employee who carries out cooking of breakfasts and snacks, baking, pastry cooking or butchering

Cook Grade 2 (Level 3)

Means an employee who has the appropriate level of training and who performs cooking duties including baking, pastry cooking or butchering.

Cook (Tradesperson) Grade 3 (Level 4)

Means a "commi chef" or equivalent who has completed an apprenticeship or who has passed the appropriate trade test, and who is engaged in cooking, baking, pastry cooking or butchering duties.

Cook (Tradesperson) Grade 4 (Level 5)

Means a "demi chef" or equivalent who has completed an apprenticeship or has passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and trains other cooks and kitchen employees.

Cook (Tradesperson) Grade 5 (Level 6)

Means a "chef de partie" or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training who performs any of the following

- General and specialised duties including supervision or training of other kitchen staff
- Ordering and stock control; or
- Solely responsible for other cooks and other kitchen employees in a single kitchen establishment.

Guest Service

Guest Service Grade 1 (Level 1)

Means an employee who performs any of the following

- Laundry and/or linen duties which may include minor repairs to linen or clothing such as buttons, zips, seams, and working with flat materials
- Performs general cleaning duties; or
- Parking guest cars

Guest Service Grade 2 (Level 2)

Means an employee who has not achieved the appropriate level of training and who is engaged in any of the following

- Assisting in the dry cleaning process
- Cleaning duties using specialised equipment and chemicals; or

Guest Service Grade 3 (Level 3)

Means an employee who has the appropriate level of training and who is engaged in any of the following

- Supervising guest service employees of a lower grade
- Major repair of linen and/or clothing including basic tailoring and major alterations and refitting; or
- Dry-cleaning.

Guest Service Grade 4 (Level 4)

Means an employee who has completed an apprenticeship or who has passed the appropriate trade test or otherwise has the appropriate level of training to perform the work of a tradesperson in dry cleaning or tailoring.

School Canteen Workers

School Canteen Workers

Canteen worker means a canteen worker working in a government school canteen. Canteen workers shall commence at a level not lower than Food and Beverage Attendant Grade 2.

Canteen Worker Grade 2 (Level 2)

Means a canteen worker who is engaged in any of the following:

- Supplying, dispensing, warming or generally preparing light snack meals
- Undertaking general serving duties of both food and/or refreshments
- Maintaining canteen cleanliness
- Attending a canteen customer service counter
- Receipt of monies and dispensing change
- Delivery duties to classrooms, when required

Canteen Worker Grade 3 (Level 3)

- Means a canteen worker who coordinates volunteers and a maximum of two other canteen workers who work a combined maximum total of 55 hours per week, and/or in addition to Grade 2 is engaged in any of the following
- Controls canteen stock (including the weekly receipt, recording and ordering of basic pro forma stock)
- In consultation with Committee coordinates rosters for staff and volunteers
- In consultation with Committee coordinates and/or prices snack food menus

Canteen Supervisor Grade 4 (Level 4)

- Means a canteen worker who supervises volunteers & more than two other canteen employees and/or in addition to Grade 3
- Manages canteen stock (including responsibility for stock take and budgeted ordering)

Appropriate Level of Training

Completion of a training course and the employee qualifying for an appropriate certificate relevant to the employee’s particular classification; or

That the employee’s skills have been assessed to be at least the equivalent of those attained through a suitable course described in paragraph (a) of this subclause assessment to be undertaken by a qualified skills assessor.

Introductory Level

Means the level of an employee who enters the industry and who has not demonstrated the competency requirements of level 1. Such an employee will remain at this level for up to three months while the appropriate training for level 1 is undertaken and assessment made to move from the introductory level-to-level 1. At the end of three months from entry, an employee will move to level 1 other than where agreement has been reached and recorded between the employee and the employer that further training of up to three months is required for the employee to achieve competence for movement to level 1.

Restaurant, Tearoom and Catering Workers Award

Classifications: There are three categories of employees in this award: Full time, Part time and Casual. An employee's category depends entirely upon what basis he or she is employed. It is the employer's responsibility to decide on what basis an employee is to be engaged and to ensure that the employee is aware of the nature of his/her employment.

Full Time Employees: Are employees paid and engaged on a fortnightly basis for 76 ordinary hours per fortnight, plus additional payments (see Additional Rates below). Ordinary hours may be worked on any 10 days of the fortnight. Ordinary hours shall not be less than 4 or more than 10 on any shift and must be worked within a spread of 12 consecutive hours.

Part Time Employees: Are employees engaged on a fortnightly basis for a minimum of 3 hours per shift and a minimum of 20 ordinary hours per fortnight on any 10 days of the fortnight within a spread of 12 consecutive hours on any day. This can include additional payments for any ordinary hours worked (see Additional Rates below) Part-time employees are entitled to pro rata holiday pay, sick pay and annual leave.

The award allows for alternative arrangements for school canteen workers employed on a Part Time basis. Refer to Clause 51 - School Canteen Workers of the full copy at www.wairc.wa.gov.au.

Casual Employees: Are employees engaged on an hourly basis and do not accrue sick leave or annual leave. A casual employee shall not be engaged for less than 2 consecutive hours each shift. A casual employee is to be informed, before they are engaged, that they are employed on a casual basis and that there is no entitlement to paid sick leave or annual leave. A casual employee is **only** entitled to payment for hours worked at the ordinary rate of pay (for the appropriate classification) plus casual, weekend or public holiday loading where applicable.

School Canteen Workers

Canteen worker means a canteen worker working in a government school canteen. Canteen workers shall commence at a level not lower than Food and Beverage Attendant Grade 2.

Additional Rates: All Full time & Part time employees receive additional payments for ordinary hours worked between 7.00pm and 7.00am Mon-Fri. Full time and part time employees also receive a split shift allowance if more than one shift each day is worked (excluding meal breaks). (See wages section for details). All time worked by a full time and part time employee on a Saturday or a Sunday within ordinary hours shall receive additional rates (see front schedule for details)

Overtime: Any hours worked outside the rostered shift of ordinary hours or outside the spread of hours or on more than 10 days per fortnight are payable at overtime rates. All overtime worked on weekdays is paid for at the rate of time and one half for the first 2 hours and double time thereafter. All overtime worked on Saturdays or Sundays is paid for at the rate of double time. Note: An employee who is required to work overtime for 2 hours or more on any day without having been notified on the previous day must be given a substantial meal or be paid a **\$11.30** meal allowance.

Meal Breaks: Each worker is entitled to a 30 minute to 1 hour meal break after not more than 6 hours work. Where an employer cannot grant the meal break on any day, the employee is paid an additional 50% of the applicable hourly rate during the period when the meal break should have been taken and for each hour thereafter until the employee is released for a meal. Where an employee is required to work 6 or more consecutive hours in a shift the employee shall also be entitled to one only paid break of 10 minutes.

Sick Leave: Full time and part time employees are entitled to paid sick leave if they are unable to attend or remain at work because of ill health or injury (other than illness or injury compensated under the *Workers Compensation and Injury Management Act 1981*) and if they have sufficient sick leave credits. An employee is entitled to use, each year, up to 5 days of their sick leave entitlement to be the primary care giver of a member of their family or household who is ill or injured or in need of immediate care and attention. Sick leave credits accrue at the rate of 1.461 hours for every week of complete service. This accrues proportionately for part time employees based on the average hours worked each week. Unused sick leave accumulates from year to year.

Carer's Leave: The *Minimum Conditions of Employment Act 1993* permits an employee to take paid carer's leave in certain circumstances. Such leave is to be deducted from an employee's personal leave (commonly known as sick leave); it is not a separate leave entitlement. There is also an entitlement to unpaid carer's leave in certain circumstances.

Annual Leave: Full time and part time employees are entitled to 4 weeks paid annual leave (plus a loading of 17.5%) per 12 month period. Annual leave accrues weekly at the rate of 2.923 hours per completed week of service for a full time employee, and on a proportionate basis for a part time employee. Full time and part time employees who leave their employment, or are terminated, may be entitled to be paid their unused annual leave. This includes annual leave accrued in an incomplete year of service.

Contract of Service: The period of notice required to be given by the **employer** is outlined in the table below:

Employee's period of continuous service with the employer	Period of notice
Not more than 1 year	At least 1 week
More than 1 year but not more than 3 years	At least 2 weeks
More than 3 years but not more than 5 years	At least 3 weeks
More than 5 years	At least 4 weeks

Increase the period of notice by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service with the employer.

The required amount of compensation instead of notice must equal or exceed the total of all amounts that, if the employee's employment had continued until the end of the required period of notice, the employer would have become liable to pay to the employee because of the employment continuing during that period.

The notice of termination to be given by an **employee** is:

Employee's period of continuous service with the employer	Period of notice
In the first year	At least 1 day
In the second year	At least 1 weeks
In the third and succeeding years	At least 2 weeks

Provided the employer and the employee may agree to accept shorter notice periods, or payment or forfeiture, as the case may be, in lieu of the above.

Casual employees - One hour's notice or pay in lieu (on either side) is required.

Probationary employees - At any time prior to the expiry of the probationary period the employer or the employee may terminate the employment by giving not less than 1 day's notice or by the payment or forfeiture (as the case requires) of 1 day's pay in lieu of such notice.

For further advice regarding minimum periods of notice on termination, contact Wageline on 1300 655 266.

Uniforms and Laundering Allowance - Where the employer requires any special uniform to be worn such special uniform shall be provided by the employer and shall remain the property of the employer. An employer requiring any of the articles of clothing to be worn as described (see full copy of the award) shall cause such clothing to be laundered at his/her own expense or otherwise shall pay to the employee concerned **\$7.20** per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight. Where a cook wears the ordinary apparel usually worn by cooks such as black and white check trousers, white shirt, white apron and cap, such garments shall be laundered at the employer's expense or otherwise the employee shall be paid **\$11.00** per fortnight worked as a laundry allowance. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

Workers' Equipment - All knives, choppers, tools, brushes, towels and other utensils, implements and material which may be required to be-used by the employee for the purpose of carrying out his/her duties, shall be supplied by the employer free of charge. Provided that where an employee is required by the employer to use his/her own knives he shall be paid an allowance of **\$14.40** per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight ordinary hours each fortnight.

Annualised Salary: By agreement between the employer and the employee, an employee can be paid at a rate equivalent to an annual salary of at least 25 per cent or more above the relevant award rate. The salary paid during such period of employment must be sufficient to cover what the employee would have been entitled to if all award overtime and penalty rate payment obligations had been complied with. The employer is required to keep a daily record of the hours worked by the employee, including the date, start and finish times of the employee for each day of employment.

Rosters: A roster of the ordinary working hours shall be exhibited in each establishment in such place as it may be conveniently and readily seen by each employee concerned. The roster shall be drawn up in such a manner as to show the ordinary working hours of each employee (other than a casual employee) for at least a week in advance of the date of the roster.

Time and Wage Records: Each employer bound by this award shall maintain a record at each establishment, containing information relating to each worker. A Times and Wages publication is available on the Department of Commerce website explaining the way time and wage records are maintained and the rules relating to inspection of these records. For further advice please contact Wageline on 1300 655 266.

Location Allowance - In addition to the rates prescribed in the wages clause of this award, an employee shall be paid a weekly allowance when employed in the towns prescribed by this clause for regional Western Australia. See full copy of the award for details at www.wairc.wa.gov.au.

Superannuation: The Federal Government requires, under the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992* and the *Superannuation (Resolution of Complaints) Act 1993*, that all employers (including companies) shall make superannuation contributions, at least quarterly, to an approved fund for most employees with gross earnings of more than \$450 per month. The current rate of contribution is 9% of your earnings base. Further information is available from the Superannuation Helpline on 13 10 20. For further information regarding choice of fund provisions, contact Wageline on 1300 655 266.

The following clauses may provide further entitlements depending on business operations and work arrangements.

Scope: This Award shall apply to all workers employed in the callings described in Clause 21 of this award, in Restaurants and/or Tearooms and/or Catering Establishments and/or by Catering Contractors, as defined in Clause 6 of this Award.

Bereavement Leave: On the death of a spouse, de facto partner, child, step-child, brother, sister, parent, step-parent, parent-in-law, grandparent, or any other person who, immediately before that person's death, lived with the employee as a member of their family, an employee shall be entitled to paid leave for a period of up to 2 working days. **The provisions of this clause should be read in conjunction with the *Minimum Conditions of Employment Act 1993*.**

Public Holidays: The public holidays specified in the award must be allowed as holidays without deduction of pay for permanent employees subject to the provisions contained in this clause.

Long Service Leave: An employee's entitlement to long service leave under this award will be as prescribed by the *Long Service Leave Act 1958*. Under this Act, an employee is entitled to 8.667 weeks long service leave after 10 continuous years of service. An employee who has completed at least seven continuous years of service may be entitled to pro rata long service leave on termination. **For further information, or to obtain a copy of a publication regarding long service leave, please contact Wageline on 1300 655 266.**

Junior Employees: Subject to the provisions of the Liquor Licensing Act, 1988, workers under the age of twenty-one years may be employed as junior workers in any of the occupations covered by this award, other than an apprenticeship trade.

Apprentices: Outlines the conditions under which an apprentice can be employed under this award. For further information relating to this clause please see full copy of the award available from www.wairc.wa.gov.au.

Payment of Wages: An employee must be paid within three trading days from the last day of the pay period in cash, by cheque or by means of a credit transfer to a bank account.

Meal Money: Any employee who is required to work overtime for two hours or more on any day, without being notified on the previous day or earlier, that he or she will be so required to work such overtime, will either be supplied with a substantial meal by the employer or be paid \$11.30 meal money.

Minimum Adult Award Wage: This clause sets out the provisions for the application of the Minimum Adult Award Wage.

Translation of Full-Time and Part-Time Employees: Sets out the procedure to translate full-time and part-time employees from the classification and wages in this award prior to 21 February 2001 to the new classification and wages structure that will have effect from 1 July 2001.

Higher Duties: An employee who performs work for two or more hours in any day on duties carrying a higher prescribed rate of wage than that in which he/she is engaged must be paid in accordance with the provisions of this clause.

Protective Clothing: Employees who are required to wash dishes, clean toilets or otherwise handle detergents, acids, soaps or any injurious substances, shall be supplied with rubber gloves free of charge by the employer, or be paid, in lieu, an allowance of **\$3.90** per fortnight worked. The allowance provided herein shall be halved for employees who work less than thirty-eight hours each fortnight.

No Reduction: An existing employee at 21 February 2001 who continues to be employed with the same employer after that date must not be paid less than they would have been paid for the same work under the provisions of the award as it stood prior to that date.

Board and/or Lodging: An employee must not be compelled to board and/or lodge on the employer's premises but where by mutual consent board and/or lodging is provided, the employer must be entitled to deduct the amounts stipulated in this clause.

Travelling Facilities: Where an employee is detained at work until it is too late to travel or required to start work before the first ordinary means of public transport is available, the employer must provide proper transport free of charge to or from the employee's place of residence.

Employment Record: An employer must maintain a record containing the information stipulated in this clause for each employee. **The provisions of this clause need to be read in conjunction with the *Industrial Relations Act 1979*.**

Change and Rest Rooms: An employer must provide a change and rest room in cases where employees do not reside on the premises. Where an employer is unable to do so they may use Clause 48 - Resolution of Disputes to resolve the matter.

First Aid Kit: In each establishment the employer shall provide and continuously maintain at a place easily accessible to all workers an adequate First Aid Kit.

Posting of Award and Union Notices: An employer must exhibit in the business premises a copy of this award, if supplied by the Union, and allow an accredited Union representative to post authorised union notices in a suitable place.

Supported Wage Workers: An employee for reason of old age or disability can be employed at a lesser rate of pay.

Prohibition of Contracting Out of Award: All employees must be paid not less than the wages prescribed by this award and in accordance with provisions of this award.

Breakdowns: An employer is entitled to deduct payment for any day upon which the employee cannot be usefully employed due to industrial action, the breakdown of the employer's machinery or through any stoppage or cause which could not have been reasonably prevented by the employer.

Parental Leave: Parental leave shall include maternity leave, paternity leave and adoption leave. An employee is entitled to up to 52 weeks unpaid leave, provided that they have had not less than 12 months' continuous service with that employer. **This clause operates in conjunction with the *Minimum Conditions of Employment Act 1993*, providing additional parental leave entitlements.**

National Training Wage: The terms of the federal *National Training Wage Award 2000* apply to this award except for the clauses and Schedules specified in this clause.

Enterprise Flexibility: Sets out procedure for employers and employees to negotiate and reach agreement to apply to vary any provision of this award so as to make the enterprise operate more efficiently.

Termination, Introduction Of Change And Redundancy: An employer must inform an employee, as soon as reasonably practicable after the decision has been made, of any significant effect (as defined), the likely effects of the action or redundancy. "Redundancy" occurs where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing done by anyone. In addition to the period of notice prescribed for ordinary termination, an employee whose employment is terminated by reason of redundancy must be paid, subject to further order of the Commission, severance pay in respect of a continuous period of service: Provided that the entitlement of any employee whose employment terminates on or before 1 February 2006 shall not exceed 8 weeks' pay. Provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date.

This award is subject to the Termination, Change and Redundancy Order of the Western Australian Industrial Relations Commission. This General Order prescribes for many employees an entitlement to severance payments of up to 16 weeks of pay. This entitlement does not apply if the employer has fewer than 15 employees.

Other mandatory requirements on termination or introduction of change in the workplace include:

- * written notice of and discussions with employees about significant change in which job restructuring, changing of hours or location or operational changes in the business may occur;
- * time off of up to one day's paid leave during each week of the notice period to search for other employment; and
- * if requested by the employee, a statement specifying the period of employment and classification or type of work performed.

Right of Entry: Subject to this clause and the *Industrial Relations Act 1979* an authorised representative of the union shall be permitted to enter the employer's premises.

Anti-Discrimination: It is the intention of the respondents to this award to respect and value the diversity of the work force by helping to prevent and eliminate discrimination.

Resolution of Disputes: Sets out the procedure under which problems, grievances, questions, disputes claims or difficulties may be resolved, subject to the *Industrial Relations Act 1979*.

Further Claims: The consent variations made to the award do not prejudice either party in respect of any further claim made after 1 July 2003 in relation to penalty rates for ordinary hours for casuals on week-ends or public holidays; and 'additional rates' for ordinary hours for casuals.

Union Delegates and Meetings: A Union Delegate may be elected by the employees and perform certain functions in accordance with this clause.

Temporary Exemption Clause: The amendments to this award made in applications 381 of 1995 and 582 of 1994 on 21 February 2001 shall not apply to the McDonald's Group and its franchisees.

Schedule A – Named Parties

The Liquor, Hospitality and Miscellaneous Union, Western Australian Branch

Contact Details

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Telephone (08) 9388 5400
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Facsimile (08) 9382 3986
Email lhmuwa@lhmu.org.au

Restaurant and Catering Industry Association of Employers of Western Australia Inc

Contact Details

www.restaurantcater.asn.au
Telephone: 08 9328 7266
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Western Australian Hotels and Hospitality Association Incorporated (Union of Employers)

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Schedule B – Respondents

Appendix – McDonald's Australia Limited Franchises

For further information on any of the clauses in this award, please contact Wageline on 1300 655 266.

Restaurant Tearoom & Catering Workers Award

Definitions for the classifications and Grading can be found under clause 6 -
Definitions in the award - Attached hereto

Classification Table

Old	Transitional 21/02/2001	New from 1/07/2001
	Introductory	Introductory
Cleaner	Guest Service Grade 1	Guest Service Grade 1
General Hand	General Hand	General Hand
Laundress	Guest Service Grade 1	Guest Service Grade 1
Kitchen Hand	Kitchen Attendant Grade 1	Kitchen Attendant Grade 1
Yardman	Yardman	Yardman
		Food & Beverage Attendant Grade 1
		Level 2
Waiter	Food & Beverage Attendant Grade 2	Food & Beverage Attendant Grade 2
Steward	Food & Beverage Attendant Grade 2	Food & Beverage Attendant Grade 2
Snack Bar	Food & Beverage Attendant Grade 2	Food & Beverage Attendant Grade 2
B'fast Cook	Cook Grade 1	Cook Grade 1
Bar Attd 1	Food & Beverage Attendant Grade 2	Food & Beverage Attendant Grade 2
Cashier	Food & Beverage Attendant Grade 2	Food & Beverage Attendant Grade 2
Bar Attd 2	Food & Beverage Attendant Grade 2/3*	*Provided that an employee previously classified Bar Attend 2 shall be reclassified to Food & Beverage 3 where that employee's duties include the mixing of a range of sophisticated drinks or duties as defined.
Butcher	Cook Grade 1	Cook Grade 1
		Guest Service Grade 2
		Kitchen Attendant Grade 2
		Canteen worker Grade 2
		Level 3
Cook Alone	Cook Grade 2	Cook Grade 2
Head Waiter	Food & Beverage Attendant Grade 3	Food & Beverage Attendant Grade 3
Head Steward	Food & Beverage Attendant Grade 3	Food & Beverage Attendant Grade 3
Hostess	Food & Beverage Attendant Grade 3	Food & Beverage Attendant Grade 3
		Kitchen Attendant Grade 3
		Guest Services Grade 3
		Canteen worker Grade 3
		Level 4
Qualified Cook	Cook Grade 3	Cook Grade 3 – 'commi chef' or equivalent
Butcher (Tradesperson)	Trades Person Butcher	Food & Beverage Attendant Grade 4
		Guest Services Grade 4
		Canteen Supervisor Grade 4
		Level 5
Chef	Cook Grade 4	Cook Grade 4 – 'demi chef' or equivalent
		Food & Beverage Supervisor
		Level 6
Chef	Cook Grade 5	Cook Grade 5 – 'Chef de Partie' or equivalent