

Fair Work Commission gives COVID-19 Hospitality Award Relief

25 March, 2020 // CHARLES-LENTINI

Yesterday a full bench of the Fair Work Commission ('FWC') granted urgent amendments to the Hospitality Industry (General) Award 2010 ('HIGA') to provide greater flexibility to employers as a result of the effects of the COVID-19 virus. These amendments took immediate effect and are now available to employers suffering the effects of COVID-19.

The amendments add an additional Schedule titled 'Schedule L-Award Flexibility during the COVID-19 Pandemic' which operates from 24 March 2020 until 30 June 2020 unless extended further by application. The amendments are as follows:

1. Classifications and duties

An employer may direct an employee to perform any duties within their skill and competency regardless of their classification provided the duties are safe and the employee is licensed and qualified to perform these duties.

Higher duties will apply to employees engaged on duties carrying a higher rate than their normal rate.

2. Hours of Work – full-time and part-time employees

An employer may direct a full-time employee to work an average of between 22.8 and 38 ordinary hours per week. The employee will be paid on a pro rata basis.

An employer may direct a part-time employee to work an average of between 60% and 100% of their guaranteed hours per week. For example, a part-time employee guaranteed 30 hours per week can have their hours reduced to a minimum of 18 hours.

Prior to an employer directing a full-time or part-time employee to work reduced average hours, the employer must consult with affected employees and the United Workers Union (UWU) (if they are a member of the UWU).

A full-time or part-time employee given a direction to work reduced hours will continue to accrue personal/carer's leave, annual leave and other applicable accruals based on the employee's usual ordinary hours of work.

3. Annual Leave

Subject to considering an employee's personal circumstances, an employer may direct an employee to take annual leave with 24 hours notice. However, this does not prevent an employer and employee from mutually agreeing for the employee to take annual leave at any time.



An employer and employee may agree for the employee to take twice as much annual leave at half the rate of pay for all or part of any period of annual leave.

These amendments provide some relief to hospitality employers during this difficult time. If you would like to know more about the application of these amendments, please contact a Mapien consultant on +61 7 3833 1200.