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E-alert: Historic Award Penalty Rates Decision – Fair Work Commission Reduces Weekend and Public Holiday Penalty Rates

By ,

The Fair Work Commission today handed down its long awaited and politically sensitive decision about whether long standing penalty rates on weekends and public holidays should be reduced in the following Modern Awards:

- Hospitality Industry (General) Award 2010
- Registered and Licenced Clubs Award 2010
- Restaurant Industry Award 2010
- Fast Food Industry Award 2010
- General Retail Industry Award 2010
- Pharmacy Award 2010

In summary, the Commission has reduced the penalty rates on Sundays in the following awards:

- Hospitality Industry Award 2010 – Permanent employees from 175% to 150% / Casuals remain at 175%
- Retail Industry Award 2010 - Permanent employees from 200% to 150% / Casuals from 200% to 175%
- Fast Food Industry Award 2010 – Level 1 employees only from 150% to 125% / Casuals from 175% to 150%
- Pharmacy Award 2010 - Permanent employees from 200% to 150% / Casuals from 200% to 175% between 7am and 9pm

The Commission also reduced public holiday rates from 250% to 225% for permanent employees in most of the awards considered (with the exception of Registered Clubs). Casual public holiday rates were standardised across the awards considered at 250%.

Saturday rates and penalty rates in any other awards were not adjusted, although some matters are still pending.

The Commission also noted that these rate adjustments are not a precedent for other industries, which must be determined on their own evidence.

The full text of the decision summary can be found at:

https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2017fwcfb1001.pdf

https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2017fwcfb1001-summary.pdf

The reductions are subject to various transitional arrangements.

Broadley Rees Hogan’s Employment and Work Health & Safety team can assist with advice about the impact of the decision on your business and its implementation.

Should you wish to discuss any matters arising out of this article, please contact the author:

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