



# Australian Hotels Association (WA) e-Newsletter



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## HOSPITALITY NEWS

### Local Government Election Results

Perth Lord Mayor Lisa Scaffidi was sworn in at a ceremony at Council House last night. Ms Scaffidi was elected for a third term over the weekend. Several mayors failed to be re-elected however, including Bayswater mayor Sylvan Albert and Cambridge mayor Simon Withers. They will be replaced by Catherine Ehrhardt and Keri Shannon respectively.

Meanwhile, Canning council, which has been under the control of State Government-appointed commissioners since the entire council was sacked in 2014, is back in business. Paul Ng was elected as Mayor with almost 22 per cent of the vote. Former State MP John Bowler was elected as the Mayor of Kalgoorlie-Boulder, securing 88 per cent of the vote.

[View all results from the election here.](#)

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### Trip Advisor Briefing

The AHA(WA) is hosting an industry-focused boardroom briefing by TripAdvisor's Head of Industry Relations, Brian Payea.

As Head of Industry Relations at TripAdvisor Brian is responsible for building relationships with the hotels and hospitality industry and providing them with advice on how to take advantage of TripAdvisor and other social media.

This briefing will be an opportunity to discuss:

- TripAdvisor in Australia;
- How to maximise your business presence online; and
- Managing your online reputation;
- Dealing with false and misleading reviews.

The management of your businesses' online presence is more critical than ever as people choose review websites like TripAdvisor for travel advice before making decisions on where to visit, stay, eat, drink and be entertained.

#### Details

**Date:** Thursday 22 October 2015

**Time:** 10.00 – 11.00 am

**Venue:** Hospitality House, 38 Parliament Place, West Perth

This briefing would be of interest to all Managers, Sales and Marketing Managers.

#### Who is TripAdvisor?

TripAdvisor® is the world's largest travel site offering advice from millions of travellers, a variety of travel choices and planning features that link to booking tools that check hundreds of websites to find hotel prices. Globally, TripAdvisor owns and operates websites under 23 other travel media brands that cover travel review, accommodation, tourism and restaurant booking platforms that include [www.besttables.com](http://www.besttables.com) and [www.dimmi.com](http://www.dimmi.com).

#### How to confirm your attendance

To confirm your attendance at this members only briefing, please contact Shannen James, AHA Corporate, Events and Administration Officer on 9321 7701 or via email to [members@ahawa.asn.au](mailto:members@ahawa.asn.au)

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## World's Best Restaurant Comes to Australia

Copenhagen-based Noma, named the “world’s best restaurant” a staggering four times by *Restaurant* magazine, will shut its doors on New Year’s Eve 2016.

Owner and chef, René Redzepi, recently confirmed the restaurant’s closure, adding detailed plans for its future, which will include a new location and menu.

In the meantime, Australians will get a chance to dine at the world-famous eatery, when it relocates to Barangaroo, overlooking Sydney Harbour for ten weeks in January. The move is a part of collaboration with Tourism Australia. There’s a three month waiting list to secure a seat, and it won’t come cheap.

[Read more here.](#)

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## Nanny Pilot Programme - Applications Closing Soon

Families struggling to access child care and who require more flexible arrangements can apply to participate in the Australian Government’s new Nanny Pilot Programme.

The two-year pilot will begin in 2016 and provide fee assistance to help eligible families with the cost of using a nanny in their family home.

This is a great opportunity for parents, particularly those who live away from existing child care, or those who work shifts—like police officers, nurses, firefighters and other emergency workers, or those in the hospitality industry.

Families are eligible if they earn less than \$250,000, both parents (or in the case of a sole parent family, the sole parent) work, train or study at least eight hours a fortnight, and at least one parent is an Australian citizen or permanent resident.

Families have until **5pm AEDT on 30 October 2015** to apply.

To find out whether you’re eligible and to apply, go to the [Department of Social Services website](#)

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more give, less take



**\$1 billion** a month  
lending **more 'yes' for business**

[Find out more](#)

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## WORKPLACE RELATIONS AND REGULATIONS

### Sacking of a "Smart Arse" Employee - A Timely Reminder

A recent case in the Federal Circuit Court has provided a timely reminder to members about the dangers of dismissing employees for reasons which are unrelated to their performance or conduct.

### **Summary of Case**

In the case of Anderson v BNP Paribas Securities Services, the court ruled that a bank took unlawful adverse action by dismissing a "smart arse" employee during his probationary period.

A month before the employee was dismissed, his manager had criticised his performance but offered to extend his probation period by a month.

However, the following week, the employee attended a meeting during which he criticised his manager and the bank's workplace culture. Following this incident, his manager withdrew the offer to extend the employee's probation period and recommended his dismissal.

The bank claimed that it dismissed the employee because he had failed to perform at the required level and because it appeared unlikely that his performance would improve. However, the court found that:

- The manager was an "impulsive man who is quick to anger";
- He decided to withdraw his offer to extend the employee's probation and recommend dismissal only after becoming aware of the complaint against him; and
- The bank took the opportunity to dismiss the employee before he could formalise his complaint to the bank's HR team.

The court agreed that the employee involved was a "clever dick" or a "smart arse", but said that this did not mean that his complaints should have been dismissed and did not justify the decision to dismiss him.

### **Lessons for Members**

Firstly, the case demonstrates the dangers of dismissing an employee for reasons which are unrelated to their performance or conduct in the workplace. This can lead to a range of legal claims against employers.

Secondly, the case serves as a good reminder to exercise caution when dismissing employees during their probationary periods. As most members would be aware, an employee is prevented from commencing an unfair dismissal claim during their probationary period. However, the same restriction does not apply to general protections claims.

The Fair Work Act makes it unlawful for an employer to take adverse action against one of their employees (such as dismissing them or commencing a performance management process) because that employee has a workplace right. A workplace right includes the ability to make a complaint about any employment or industrial issue.

Thirdly, the case demonstrates that members who are considering dismissing any of their employees should always ensure that they contact the AHA's Workplace Relations team on 9321 7701 before acting.

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## **Tagging and Testing Electrical Equipment**

What are your requirements when it comes to "testing and tagging" electrical equipment at your venue?

**Regulation 3.60** of the OSH regulations requires that all RCDs be kept in a safe working condition and tested regularly.

**Regulation 4.37** of the OSH regulations deals with the duties as to the use of any electrical equipment or RCD at workplaces other than construction and demolition sites. Under this regulation, an employer, self-employed person, main contractor, person having control of a workplace or person having control of access to a workplace must ensure that electrical equipment and RCDs at the workplace are subject to the appropriate checks, tests and inspections necessary to reduce the risk of injury or harm occurring to a person at that workplace.

### What are the tagging requirements?

For workplaces other than construction or demolition sites operations, **portable electrical equipment and RCDs are not required to be tagged**. However, there should be evidence that a maintenance program is in place.

### What needs to be inspected, tested and tagged, and how often?

All portable electrical equipment and RCDs used in a workplace must be regularly inspected and tested in accordance with the OSH regulations, as appropriate.

The frequency of inspection and testing varies for different work situations:

- all other workplaces (excluding construction or demolition sites) — **require a risk management approach to determine the type of inspection and if necessary any testing required.**

Inspection needs to be done more frequently in an operating environment where electrical equipment is, during normal usage, subjected to adverse operating conditions likely to result in damage to the electrical equipment, e.g. potential exposure to moisture, heat, vibration, corrosive chemicals or mechanical damage. **The risk assessment should determine where more specific testing of electrical equipment is necessary and the frequency of such testing.**

### What records need to be kept?

Copies of the results of all inspections, tests and maintenance should be retained by the relevant duty holder and the competent person who carried out the work if not employed by the equipment owner. In particular, the following information should be kept:

- name of the person who made the inspection or carried out the test or maintenance;
- date on which, or dates over which, the inspection was made or the test or maintenance was carried out;
- result or outcome of the inspection, test or maintenance;
- date by which the next inspection and test should be carried out;
- if applicable, licence or certificate number of the competent person who carried out the electrical inspections and tests; and
- if applicable, plant number or inspection number of the item or items inspected.

Where required by regulation, the record may be a logbook, register or a computerised database, and should be located conveniently so that managers can access the information. The employer should also keep a record of how the competency for the person who carried out the testing and tagging was determined. **WorkSafe inspectors, have the right to examine the records kept by employers.**

[All of the above information can be found here.](#)

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## Approved Manager Signage Requirements

There appears to be some misinformation about requirements relating to approved manager signage. This is what you need to know:

At section 116 (4) of the Liquor Control Act 1988 (LCA) it states;

A licensee shall cause to be displayed in a readily legible condition and in a conspicuous position in the licensed premises —

- (a) a copy of the licence; and
- (b) if section 100(2a) applies in relation to the premises — a notice displaying the name of each person who is supervising and managing the premises and identifying every such person as a manager.

Penalty: a fine of \$2 000.

Section 100(2a) (as referenced above) discusses the requirement for the licensee to ensure an approved unrestricted manager; approved restricted manager or temporary approved manager are on site at all times when the venue is operating.

Therefore, putting all of the above into context, the LCA only requires a **notice, displaying the names of every approved** manager to be displayed in a legible and conspicuous position in the licensed premises.

IF however, you choose to highlight who the approved manager or have a separate notice identifying who the approved manager on duty is, this is a business decision and NOT A REQUIREMENT under the LCA.

Example of compliant signage



Example of Signage with 'Optional' Wording

