



AHA GUIDE TO THE HOTEL & ACCOMMODATION INDUSTRY LABOUR AGREEMENT

Unlocking the opportunity and navigating the process



Australian Hotels Association
WESTERN AUSTRALIA



Tourism
Accommodation
Australia (WA)
A division of the AHA

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DISCLAIMER

It should be noted the information provided in this publication does not constitute formal legal advice and is provided for general and illustrative purposes only.

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WHAT IS A LABOUR AGREEMENT?

With labour shortages now a leading concern amongst Australia's hotel and accommodation sector, the ability to access an industry-specific agreement comes at an ideal time for employers seeking skilled positions that cannot be filled by the local workforce.

Labour agreements are developed between the Australian Government (through the Department of Home Affairs) and employers or in this case, by the AHA on behalf of the industry.

Labour agreements have fixed terms, conditions and concessions that enable businesses to sponsor skilled overseas workers after demonstrating there are significant, ongoing labour shortages that cannot be met by the Australian labour market.

Labour agreements are designed to provide access to skilled overseas workers where standard temporary or permanent visa programs are not available or appropriate.



The Hotel & Accommodation Industry Labour Agreement is a temporary arrangement and will be reviewed after 12 months.

By using a labour agreement, employers can access skilled occupations and the benefits that were negotiated as part of the agreement.

As this agreement is only a 12 month trial it is critical that employers considering recruiting from overseas look carefully at using this agreement before the review period ends in May 2023, otherwise the Government is unlikely to renew the template agreement.

Eligible businesses seeking skilled positions in the hotel and accommodation sector are encouraged to utilise this labour agreement as soon as possible.





KEY BENEFITS

- 1 Bespoke agreement specifically for the hotel and accommodation industry
- 2 Pathway to permanency
- 3 Access to key skilled positions
- 4 Faster processing
- 5 Weight given to AHA membership
- 6 Concession on age limit for ENS and SESR visa applicants

A labour agreement ensures employers have a custom-built template that is designed to suit the needs of hotel accommodation businesses.

The industry agreement designed and secured by the AHA provides hotels with better access to overseas skilled workers in occupations that are in critical shortage.

Occupations included in the agreement now have a pathway to permanent residency, when previously not available.

For example, cooks could only stay for four years without a pathway to permanent residency.

Providing a pathway to residency ensures Australian hotels are more competitively placed to attract skilled workers from overseas, at a time when the global competition for such workers is at an all-time high.

Hotels can apply for a five-year agreement giving them certainty on the numbers and types of occupations they can bring in.

When making an application under the labour agreement, membership of the AHA is given favourable weighting by the Department of Home Affairs.

Select visa applicants (ENS and SESR) allow workers to be up to 55 years old when they apply for select occupations under the labour agreement.

Currently, there are delays to the processing times for many visa applications, however ordinarily the processing times of applications made through labour agreements are prioritised and therefore faster.

ELIGIBLE OCCUPATIONS & VISA CATEGORIES

There are seven occupations available under the Hotel & Accommodation Industry Labour Agreement:

- Café or Restaurant Manager
- Hotel or Motel Manager
- Hotel Service Manager
- Accommodation and Hospitality Manager nec.
- Cook
- Chef
- Pastry Cook

The critical point is that these occupations **now have a pathway to permanent residency.**

Applicants can use the following visa subclasses to apply for these skilled positions:

- Employer Nomination Scheme (ENS) visa - Subclass 186.
 - This is for overseas workers who have held a Temporary Skill Shortage visa (Subclass 482) for at least three years relating to one of the above seven occupations.
- Permanent Residence (Skilled Regional) visa - Subclass 191.
 - This is for regionally-based workers who have held a Skilled Employer Sponsored Regional (SERS) visa (subclass 494) for at least three years relating to one of the above seven occupations.

The labour agreement also includes an age concession, for ENS and SESR visa applicants, which allows workers to be under 55 years old when they apply for an ENS/SESR visas for the following four occupations:

- Café and Restaurant Manager
- Hotel or Motel Manager
- Accommodation and Hospitality Manager nec.
- Hotel Service Manager



THE APPLICATION PROCESS

Labour agreements are designed to simplify visa applications, however there are still several processes that an employer must satisfy.

There are several baseline eligibility requirements that employers will need to meet, such as being an Australian business with good standing, being able to demonstrate your workforce/skills needs and providing evidence that you have made efforts to recruit locally.

Below are the key steps to applying for access to the Hotel & Accommodation Industry Labour Agreement, and information on securing workers through the agreement.

Some stages of the application can be done at little or no cost (initial application to the Department of Home Affairs, selection of occupations, Labour Market Testing and candidate selection) while others (nomination, skills assessment, visa application) will incur charges. Likewise, some stages can be completed quite easily in-house, while others may require the assistance of a migration agent on page 7.

There are standard skilled visa requirements that apply for each application, details of which can be found in the links below:

- [Labour market testing](#)
- [English language requirements](#)
- [Salary](#)
- Work experience (check each visa eligibility for requirements)

Jobs posted on the [westernaustralia.jobs](#) website are recognised as a legitimate form of job advertising when assessing an employers obligations to test the local labour market.

[westernaustralia.jobs](#) is a joint venture between the AHA(WA) and Tourism WA and is a free jobs board specifically designed for WA's accommodation, hospitality and tourism industry. If you haven't already done so, we encourage you to post your job vacancies on this dedicated resource.

The current schedule of charges for work visas, including employer nomination fees, can be found at this link:

[Fees and charges for Work visas](#)



KEY STEPS TO APPLY FOR ACCESS



FURTHER INFORMATION

Noelene Murray is the CEO of Perdaman Global Services and played a key role in designing, negotiating and securing this labour agreement on behalf of the AHA.

If you are seeking advice or assistance on the Hotel & Accommodation Industry Labour Agreement, you can contact Noelene at noelene.murray@perdaman-gs.com.au.

Comments, feedback and enquiries on the industry labour agreement can also be made to the Department directly, by emailing labour.agreement.section@homeaffairs.gov.au.