



**Australian Security Industry
Association Limited**

*The peak body for
security professionals.*

FAIR WORK COMMISSION Matter No. AM2016/15, AM2014/89

**Four Yearly Review of Modern Awards – Plain Language Exposure Draft –
Security Services Industry Award 2017**

Submission in Reply 20 October 2017

*Supporting members, promoting standards
and safeguarding public interest*



Section 156 - Four Yearly Review of Modern Awards –Plain Language redrafting –Security Services Industry Award 2010

This submission in reply concerns technical and drafting issues in the plain language redrafting exposure draft of the *Security Services Industry Award 2010* ('Security Award') as identified in submissions of United Voice filed pursuant to the Directions issued on 19 September 2017.

REPLY TO UNITED VOICE SUBMISSIONS:

1. Clause 8. Types of employment

At point 2. United Voice comment on the keeping of records. ASIAL submits this is adequately expressed in s535 of the *Fair Work Act 2009* and s3.32 Records Content of the *Fair Work Regulations 2009* and therefor does not require variation.

2. Clause 13. Ordinary hours of work and rostering

At point 12 United Voice submits that *'The length of time for advance notice should be a minimum of 14 days'*. This would change the effect of the current award clause 21.12 and the plain language exposure draft 13.5 both of which refer to *'7 days notice'*. ASIAL submits that the plain language exposure draft 13.5 should be maintained.

3. Clause 14. Breaks

At point(s) 14 and 15 United Voice suggests that the *'plain language draft may cause confusion'*. ASIAL submits that there is no confusion in the plain language draft.

4. Clause 15 Minimum Rates

At point 18 United Voice submits that *'The plain language draft clause removes the recognition that minimum weekly wages are exclusive of penalties and allowances'*. ASIAL submits that this is adequately explained in *NOTE 2: Schedule B—Summary of Hourly Rates of Pay contains a summary of hourly rates of pay including casual, overtime and penalty rates.*

5. Clause 15 Minimum Rates – Relieving Officer Allowance.

At point 28 United Voice United Voice makes observations about how appointments of Relieving Officers are made. ASIAL submits that depending on the size and operational requirements of the employer there may be different ways in which Relieving Officers are appointed e.g. some are continuously relieving – covering long term and short term leave while others may be appointed from time to time. Regardless the allowance is paid weekly.

ASIAL notes that 24.6(b) Payment for Annual Leave in the current award requires that the Relieving Officer allowance is included in annual leave payments indicating that it can be continuous arrangement.

6. Clause 19 Meal Allowances.

At point(s) 33, 34 and 35 United Voice suggest that the Meal Allowance is for working

beyond the ordinary finishing time and that it may not be overtime. ASIAL submits that if a finishing time is fixed for a permanent full time or permanent part time employee any change at the discretion of the employer would invoke the overtime clause, just the same as changing the roster without providing 7 days' notice. The meal allowance provision in ASIAL's opinion is about the employer directing the employee to work in excess of 1 hour's overtime without prior notice.

In point 36 United Voice asserts that that a Casual will miss out on a meal allowance in this example is a misinterpretation of the award.

7. Clause 23 Annual Leave (Shift workers)

United Voice's concerns are dealt with at s87(3)(i), (ii) and (iii) of the *Fair Work Act 2009*.

- 8. United Voice point 47.** ASIAL notes that current clause 24.10 has been omitted from the Plain Language Draft. ASIAL refers the FWC to its submissions made on 13 August 2014, 30 June 2017 and our amended submissions 20 October 2017, indicating how this clause should be revised to adjust the error.

ASIAL will be pleased to discuss and explain these submissions at any future conferences.

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