



# ASIAL

AUSTRALIAN SECURITY INDUSTRY  
ASSOCIATION LIMITED

The peak body for security professionals

## Submissions in Reply

Application to vary the Security Services Industry Award 2010 –  
am2019/11 – Hospital Security Officer classification

03 September 2019

## About the Australian Security Industry Association Limited (ASIAL)

ASIAL is the peak national body representing security professionals in Australia. The Association is comprised of over 2,600 members ranging from large corporate entities to small and medium sized operations.

### ASIAL is:

- ✓ a Registered Organisation of Employers under the *Fair Work (Registered Organisations) Act 2009*
- ✓ an Approved Security Industry Association under security legislation in the Australian Capital Territory, Queensland and Victoria
- ✓ an accredited Registrar under the Australian Communications & Media Authority (ACMA) *Cabling Provider Rules*



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## **APPLICATION TO VARY THE SECURITY SERVICES INDUSTRY AWARD 2010 – AM2019/11 – Hospital Security Officer Classification**

1. These submissions are made by the Australian Security Industry Association Limited (ASIAL) in response to paragraph [2] of the Directions issued by Commissioner Bissett on 30 July 2019 (Directions) in relation to parties opposed to the application by Angus Hibbins to vary the *Security Services Industry Award 2010* (Security Award) to insert a new category of Hospital Security Officer into Schedule C Classifications.
2. The application to vary was filed on 6 June 2019 by Mr Angus Hibbins who requested at paragraph [2.2] of the application that the Fair Work Commission (Commission) vary the Security Award to *“review of the Security Services Industry Award 2010 [MA000016] to suit a role within the security industry that is not recognized and pay increase”*.
3. At paragraph [2.3] of the application, the applicant specified that the award should *“allow for hospital security officers to have their own subsection in the award as per Ss 158 (1) item 1, 2, 4.”*, *“and to ensure, easy to understand role working with in a public hospital and mental health environment.”*
4. The application also includes supporting statements that go to the individual’s personal experiences in the security industry and how the application may satisfy the Modern Award objectives.
5. ASIAL is opposed to the application for the following reasons:
  - a) The application does not provide any objective evidence to support the claims under Ss158 1, 2 and/or 4.
  - b) A variation that seeks to increase rates of pay requires a Work Value Case and the provision of evidentiary support to justify the variation in order to be properly considered by the Commission. This application does not include any objective evidentiary support.
  - c) The application is vague. The applicant has not provided a draft determination or clear definition of what would differentiate a Hospital Security Officer from any of the classifications in the current Security Award Level 1 through Level 5 inclusive.
  - d) The applicant has not provided a draft “subsection’ for hospital security for consideration by the Commission or comment from opposing parties.
  - e) The proposed variation does not meet the requirements of the modern award objectives. The application:
    1. Will not promote flexible work practices and/or the efficient and productive performance of work – it is likely to cause duplication and inefficiency by introducing an incompatible element into the classification structure;
    2. Will create a burden on employers who utilise employees across a wide variety of client industries by introducing unnecessary regulation and administration;
    3. Will create complexity and provide a platform for disputation over the interpretation and application of the proposed classification.
  - f) The proposed variation constitutes a significant departure from the structure of Schedule C Classifications of the Security Award and pre-reform award classifications which are based

solely on the activities performed by security officers not the industries to which the services are provided.

- g) The Security Services Industry Award 2010 is an industry based award and not an occupational award. Schedule C Classifications, provides a description of the responsibilities and indicative tasks at each classification level and these are consistently applied wherever the security officer is required to work.
  - h) A security officer involved in work at a hotel, nightclub or place of mass gathering, may be required to perform the same indicative tasks as a security officer in a hospital, at a sporting venue, a shopping centre or in watching guarding or protecting critical infrastructure.
  - i) The incidents described by the applicant is not isolated to a single environment and the activities required to deal with such incidents are those included in the various classifications in the Security Award Schedule C Classifications.
  - j) The introduction of an incongruent classification will likely create a precedent for claims from a variety of roles in disparate industries which would be counterproductive and unnecessary. The award does not differentiate between the industries in which a security officer may work for good reason: the list would be endless and cause serious confusion and disputation.
  - k) The current award and current classification system are sufficient to provide a determination of the classification of each level having regard to the indicative tasks performed by the security officer regardless of the industry or client in which the work is performed.
  - l) Security Officers in the private security industry work in a variety industries on behalf of their employers. Their roles and responsibilities of watching guarding and protecting are transferrable from one industry to the next. Their classifications are dependent upon the tasks performed rather than the industry in which it is performed.
  - m) Regardless of the environment or the client, Security Officers in the private security industry perform the basic functions of watch guard or protect etc. (See Attachment A.)
  - n) The Health Professional and Support Services Award 2010 includes a classification for Security Officer. It is set at Level 4 with an hourly rate of \$22.70 which sits between Level 2 and Level 3 of the *Security Services Industry Award 2010*. (See Attachment B.)
  - o) Another 16 modern awards include a classification for a security officer/guard. (See Attachment C.)
6. The Applicant has included several paragraphs which describe the day to day situations and incidents in which he has been involved whilst working as a security officer in a hospital. It is important to note that the applicant bases his application of the frequency of incidents occurring in the hospital system whilst acknowledging that such incidents occur in other environments in which security work is conducted, however, to a lesser frequency.
7. In the day to day work of a security officer there will be times when he/she will be required to respond to multiple incidents and times when no incidents occur at all and that may well include a hospital environment.

8. It is not the frequency of incidents that determines the level of the classification, rather the requirement to perform the activities identified within the classification while performing the work.
9. ASIAL submits that the frequency of incidents is not a reason to be considered by the Fair Work Commission when determining an application to vary the award or to consider varying rates of pay.
10. The applicant also claims that the “growing nature of violence...is reason enough to consider a pay increase for security officers in a public health facility.” The applicant appears to be proposing that security workers in hospitals should get “*danger money*”. This concept has, for many years, been superseded by the focus on Work Health and Safety as the process for alleviating risks in the workplace.
11. As stated earlier, the award provides sufficient opportunity to determine a classification without considering the industry of the client. The determinant of a classification is not the frequency of incidents but the activities performed by the security officer.

## **12. CONCLUSION**

The variation sought is in conflict with the established classification structure and will not resolve the issues raised by the applicant.

The variation proposed to vary Schedule C Classifications of the Security Award should be rejected by the Commission, for the reasons outlined in these submissions.

## Attachment A

### 4. Coverage

[Varied by PR994514]

**4.1** This industry award covers employers throughout Australia in the security services industry and their employees in the classifications listed in [Schedule C—Classifications](#) to the exclusion of any other modern award.

**4.2** To avoid doubt, the security services industry includes:

- (a) patrolling, protecting, screening, watching or guarding any people and/or property, including cash or other valuables, by physical means (which may involve the use of patrol dogs or the possession or use of a firearm) or by electronic means;
- (b) crowd, event or venue control whether through physical or electronic means;
- (c) body guarding or close personal protection;
- (d) the operation of a security control room or monitoring centre;
- (e) loss prevention; and
- (f) traffic control when it is incidental to, or associated with, the activities referred to in clauses [4.2\(a\)](#), [\(b\)](#) or [\(c\)](#).

[New 4.8 inserted by PR994514 from 01Jan10]

**4.8** The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

[4.9 inserted by PR994514 from 01Jan10]

**4.9** This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause [4.1](#) in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award

[4.8 renumbered as 4.10 by PR994514 from 01Jan10]

**4.10** Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

## **Attachment B**

### **Health Professionals and Support Services Award 2010**

#### **14.3 Support Services employees**

##### **B.1.4 Support Services employee—level 4**

An employee at this level:

- is capable of prioritising work within established policies, guidelines and procedures;
- is responsible for work performed with a medium level of accountability or discretion;
- works under limited supervision, either individually or in a team;
- possesses good communication, interpersonal and/or arithmetic skills; and
- requires specific on-the-job training, may require formal qualifications and/or relevant skills training or experience at Certificate III level.

Indicative roles performed at this level are:

##### **General and administrative services**

Clerk (ward, casualty, medical records etc.)

Driver (3 tonne and over)

Gardener (trade)

Medical imaging administration

Printer (trade)

Security officer

## **Attachment C**

**List of Modern Awards that include a classification of security officer.**

Security Services Industry Award 2010

Airport Employees Award 2010

Coal Export Terminals Award 2010

Educational Services (Post Secondary Education) Award 2010

Educational Services Schools General Staff Award 2010

General Retail Industry Award 2010

Health Professionals & Support Services Award 2010

Higher Education Industry General Staff Award 2010

Hospitality Industry General Award 2010

Hydro Carbons Industry (Upstream) Award 2010

Mining Industry Award 2010

Port Authorities Award 2010

Registered & Licensed Clubs Award 2010

Restaurant Industry Award 2010

Salt Industry Award 2010

Stevedoring Industry Award 2010

Vehicle Manufacturing and Repair Award 2010