

Submitted on Thursday, 24 August 2017 - 12:11pm Submitted by anonymous user: 101.185.111.243
Submitted values are:

==Contact details==

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State/Territory : South Australia

My question is about: Awards & agreements

I want to find: information on award modernisation and the modern awards review

Please enter your query below, then click the Send button to dispatch:

I addressed a question to the FWO regarding Security Services Award MA000016 and have received advice that Casual loading doesn't apply to overtime rates on weekends. So in my case I work for 10.5 hours on Saturday, earning \$36.98/hr for the first 10 hours, then it DROPS to \$31.70/hour for the next 2 hours! So I am penalised for working more than 10 hours in a shift.

My question as addressed to FWO was: "I left a message on your phone enquiry line and the SMS reply stated "The reason why the overtime rate on Saturday is lower is because casuals do not get their casual loading when working overtime".

The link attached did not work, so I don't know if there is a ruling applying here that I cannot view. However the answer is entirely inadequate as it doesn't say why this is the case or what I can do about it. It is clear in the Award that overtime rates do apply at 50% loading in the 1st two hours overtime and 100% after 2 hours. Why a casual should be penalized for working overtime compared to ordinary Saturday rates is nonsensical."

The FWO reply states: "Hi Kim, Thanks for your enquiry. Casuals are not entitled to casual loading on overtime under the Security Services Industry Award 2010 due to the wording of the award. Clause 10.5(b) of the award states that in addition to the ordinary hourly rate and penalty rates payable for shift, weekend and public holiday work payable to full-time employees, casual employees will be paid a loading of 25% of the ordinary hourly rate for the classification in which they are employed. It very specifically does not include overtime in this clause. Clause 23.3 specifies overtime rates and it says "Where an employee works overtime the employer must pay to the employee the ordinary time rate for the period of overtime together with a loading as follows" where it provides the overtime loadings such as the 50% for the first two hours or the 100% after that. It does not provide any special provisions for casual employees in this clause. Taken together, these two clauses provide casual loading to be paid in conjunction with other penalty rates for shifts, weekends and public holidays, but not for overtime. If you have an issue with the award and you believe it should be reviewed then you will need to raise your objection with the Fair Work Commission, as awards are created and amended by them, and the modern awards are currently undergoing their 4 year review process. You can find their enquiries page here <https://www.fwc.gov.au/about-us/contact-us/enquiries>" The FWO enquiry number is: Enquiry No. [REDACTED].

Obviously I am asking you to review the awards and correct this apparent error - overtime rates are meant to compensate with additional hourly rate the fact that the employee is working extra long hours, not penalise them for doing so.