

IN THE FAIR WORK COMMISSION

Matter No: AM2016/15

Section 156—Four Yearly Review of Modern Awards – Plain language re-drafting

SUBMISSION OF UNITED VOICE

7 April 2017

1. We refer to the Statement issued by the Fair Work Commission on 27 March 2017 regarding the plain language project ('the Statement').¹ United Voice makes the following comments regarding the second tranche of modern awards for re-drafting in plain language.
2. United Voice supports the submissions of the Australian Council of Trade Unions.
3. Further, the selection of modern awards for the second tranche of the plain language redrafting process puts an unfair burden on United Voice. United Voice will not have the resources to participate meaningfully in both the substantive proceedings of the Four yearly review ('*the review*') and the plain language redrafting process if it proceeds in the manner proposed in the Statement. United Voice has two advocates available to participate in the review, we are unable to engage any more.
4. United Voice has an interest in nine of the ten modern awards selected for the second tranche. United Voice is the primary union in the review of the *Children's Services Award 2010*, the *Cleaning Services Award 2010* ('Cleaning Award'), and the *Security Services Industry Award 2010* ('Security Award'). United Voice also has a substantial interest in the *Aged Care Award 2010*, the *Social, Community, Home Care and Disability Services Industry Award* ('SCHDS Award'), and the *Manufacturing and Associated Industries and Occupations Award 2010* ('Manufacturing Award').
5. United Voice is also the primary union in the review of the *Hospitality Industry (General) Award 2010* ('Hospitality Award') and the *Restaurant Industry Award 2010* ('Restaurant Award'), which have been selected for the first tranche of plain language re-drafting.
6. The substantive review of the Aged Care Award, Children's Services Award, the Hospitality Award, the Restaurants Award and the SCHDS Award has not commenced. It appears that the substantive proceedings in these awards will occur at the same time as plain language re-drafting.

¹ *4 yearly review of modern awards – Plain language re-drafting [2017] FWCFB 1638.*

7. Additionally, United Voice has a minor interest in the *Building and Construction General On-Site Award 2010*, *Hair and Beauty Award 2010* and the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* ('*Vehicle Award*'). While United Voice is not a primary union for these awards, our members have an interest that requires our participation in the plain language redrafting.
8. If United Voice is obliged to participate in the redrafting of so many awards at once, our resources will be overstretched, and our members will be at a significant disadvantage. We propose that some awards should be excluded from the process until substantive matters have been finalised. Further, as many awards as possible should be dealt with concurrently.

AWARDS THAT SHOULD BE EXLCUDED FROM THE SECOND TRANCHE

9. The Aged Care Award, Children's Services Award, and the SCHDS Award ('the Awards') should not be included in the second tranche.
10. Firstly, the Awards have been already been extensively re-drafted through the technical and drafting proceedings of the review. Any attempt to re-draft the award with plain language would abandon the work of parties in the technical and drafting process to reach agreement and will effectively duplicate the time and resources United Voice has put into this process.
11. Secondly, the Awards have not progressed beyond the technical and drafting stage of the review. To avoid reduplication of effort, the substantive changes to the Awards should be finalised before plain language redrafting.
12. Thirdly, the finalised exposure drafts of the Awards should be tested against the current version of the Awards with employers and employees in the relevant sectors. The significant re-drafting during the exposure draft process has improved the readability of the awards. Testing is likely to prove that further re-drafting is unnecessary.

Children's Services Award

13. There is no way include the Children's Services Award in the second tranche without prejudice to the interests of employees covered by the proposed selection of awards
14. United Voice is the sole representative of early childhood educator and care workers. If United Voice is unable to participate fully in the process because of the competing demands placed on it by the review, it will not be able to adequately advocate for their interests.

15. There is no way to program the redrafting of the Children's Services Award to improve the efficiency of the process and lessen the burden on the parties' resources. Unlike some other awards in the second tranche, the Children's Services Award cannot be grouped with another award. The Children's Services Award has an award history distinct from all other awards in the second tranche and covers an industry unlike those covered by the other Awards in the second tranche.
16. Given that there is no pressing need to redraft the Children's Services Award at this time, we ask, in the interests of fairness, that it should be re-drafted at a later stage in the review.

AWARDS THAT MAY BE DEALT WITH TOGETHER

17. At paragraph 23 of the Statement, the Commission suggested that the Cleaning Award and the Security Award may be dealt with concurrently. United Voice agrees. It is appropriate to redraft the Cleaning Award and Security Award at this time because all substantive changes to the award have been finalised.
18. Additionally, whenever the Commission is minded to proceed with the plain language redrafting of the Aged Care Award and the SCHDS Award, those awards should be redrafted together. The Aged Care Award and the SCHDS Award share similar histories and many similar clauses. Additionally, the interested parties to the Aged Care Award and SCHDS Award are largely the same. Dealing with the awards together will be the most efficient use of the Commission's and the parties' time.

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