

## PSA meal breaks dispute in Industrial Relations Commission

A conciliation hearing of the PSA's dispute regarding meal breaks for Special Constables was heard on Wednesday, 7 July 2021 by Industrial Relations Commissioner Damian Sloane. Under the *Police Admin Award*, Special Constables must now receive a half-hour meal break starting in the first five hours of their shift. Police plan to implement this by rostering meal breaks outside of normal meal times and working short when staff are off on meals.

Regrettably, we were unable to prevent management from going ahead with their attempts to provide Award-compliant meal breaks from Sunday, 11 July 2021.

Your delegates remain convinced the plan will be a disaster.

The Commissioner listened to the PSA's concerns and did everything he could at the initial hearing, given management's insistence that there will be no problems. From next week, delegates and the union will carefully scrutinise all information regarding the implementation and there will be further meetings and hearings in the Commission over the next two weeks.

Your union will vigorously pursue safety concerns and our claim for a monetary penalty when proper breaks cannot be provided.

### Commission directs recording of meal breaks

At the hearing, the PSA argued that it would be impossible for staff to be rostered on proper breaks without compromising security. We expressed our concern that Police would seek to cover up non-compliance with the breaks rule and security risks. We protested that it was not fair for the breaks at Parliament House to be rostered before 10.30 on a 7am the day shift.

The PSA asked for the following:

- A recommendation for an interim penalty rate for meal break breaches to start immediately
- A direction that day shift meal breaks not be rostered before 10.30 am
- A recommendation that Police negotiate a penalty rate where a break cannot be given
- A direction to Police to keep records of all meal breaks
- A direction to Police to produce rosters of meal breaks for all sites
- A direction to the parties to confer.

Police maintained their intransigent stance, indicating they proposed to go ahead rostering meal breaks from Sunday 11 July. They maintained they will be able to comply with the Award and therefore there is no reason to negotiate a penalty for breach. They offered to review the situation regarding negotiating a penalty after three months.



## PSA meal breaks dispute in Industrial Relations Commission

Your union submitted that Police should not be allowed to rack up three months of award breaches prior to having to negotiate a penalty. Commissioner Sloane stated he was not endorsing management's three-month period as a trial, but would not intervene to prevent management going ahead and advised that the PSA can come back at any time to have proven examples of Award breaches dealt with.

The Commissioner observed that providing some level of meal breaks was better in terms of Award compliance in the short term than providing no meal breaks as was happening now. The PSA pointed out that, while this was true with respect to Award compliance, the proposal would be disastrous from a point of view of rostering and security.

Regrettably there was not yet enough evidence available to prove this to the Commissioner's satisfaction.

Commissioner Sloane issued a legally binding direction for Police to keep a record of all meal breaks. Police gave an enforceable undertaking to produce rosters for all sites and to meet with the PSA in a week's time.

Commissioner Sloane indicated that he was not in a position to direct that Police refrain from rostering meal breaks before 10:30am, as it was not certain that to do so breaches the Award. The Commissioner however, remarked that rostering meal breaks so early was "unorthodox".

Commissioner Sloane declined to recommend an interim penalty rate for breaches but encouraged the parties to discuss the issue of a penalty earlier in the process.

The matter has been set down for report-back at 9am on 22 July. The PSA will have a lot more evidence of the problems with the meal breaks system and we can move towards listing the matter for an arbitration hearing regarding award breaches, early meal times and penalty for breaches.

### Where to from here

This was only a first conciliation hearing and while we were unable to prevent management from going ahead with their irresponsible plan for meal-breaks, the Commission has compelled Police to come up with the information that we need to show the inadequacies of the system.

The PSA will scrutinise the meal rosters provided to identify security implications as soon as they are made available. These security issues will be pursued vigorously with management at our upcoming meeting.

The union will continue to protest against the rostering of early meal breaks and pursue our claim for a penalty where proper meal breaks cannot be provided.





9 July 2021

## PSA meal breaks dispute in Industrial Relations Commission

On the 22 July, the PSA will table the evidence of the problems with the meal breaks system and we can move towards listing the matter for an arbitration hearing of our claims regarding award breaches, unfair early meal times and the need for a penalty for breaches.

We ask that members continue to support each other and the PSA because your rights at work are worth fighting for.

Now is the time for all members to be united and stand together.

The PSA is committed to resolving this complex issue in a way that ensures safety and provides additional benefits to members. We will provide regular updates to keep you abreast of the latest developments.

Anyone wishing to join the union should contact the local PSA delegate, your Organiser, Marko Petrovic at [mpetrovic@psa.asn.au](mailto:mpetrovic@psa.asn.au) or join online at [www.psa.asn.au/join](http://www.psa.asn.au/join).

### Your industrial staff

**Andrew Wright** Industrial Officer

[andrew.wright@psa.asn.au](mailto:andrew.wright@psa.asn.au)

**Marko Petrovic** Organiser

[mpetrovic@psa.asn.au](mailto:mpetrovic@psa.asn.au)

