



AEAV FACT SHEET

AMBULANCE MEAL BREAKS

Ambulance Victoria have recently “announced” that staff may be directed to take their meal breaks at hospitals. This can be inconvenient, particularly when you may have brought a meal with you that is sitting in the fridge back at the branch (not so helpful).

Your rights (and Ambulance Victoria’s rights) around this issue are contained in both the Ambulance Victoria Enterprise Bargaining Agreement 2020 and the Occupational Health and Safety Act 2004.

Can I be directed to take my break at a hospital?

Clause 51.3 of the Enterprise Agreement states “*Crib meal breaks will be taken at a time and place directed by the Employer.*” However, the OHS Act says that there needs to be consultation around any changes to facilities.

Can I be recalled from a break?

Yes, you can be recalled, however there are some exceptions to this that relate to the timing that you get the break. If you do not get a break during the window of opportunity for a crib break, then the following rules apply –

- i. *For a period of one hour after the end of the window of opportunity the employee may be required to respond to code one and priority zero cases only.*
- ii. *If the crib meal break has not been completed by the end of the first hour after the window of opportunity the employee may be required to respond to priority zero cases only.*

Should I get paid an allowance if I don’t get a break?

There is a meal allowance of \$7.25 already contained in the rolled in rate which covers the cost of purchasing a meal on each shift, other allowances are as follows:

Item	Amount	Rule
Spoilt meal allowance	\$7.25	An employee called back to duty before having consumed a meal during a meal break, is entitled to a spoilt meal allowance of \$7.25. This may be payable twice on a 14 hour shift for each occasion.
Overtime meal allowance	\$9.06	An employee required to work overtime for more than two hours beyond the employee’s

		rostered finishing time, is entitled to an overtime meal allowance.
Late crib meal allowance	\$4.80 ph for first two hours, then \$9.60 ph thereafter	Where a crib meal break is not provided in accordance with clause 51.3, late crib meal allowances apply until a crib meal break has been taken or the employee is released from duty. For shifts up to 14 hours, if no crib meal break has been provided at the end of the second window, then double allowances will apply until a meal break is obtained, and a single allowance will continue until the second meal break is obtained.

When should I get a break while working incidental overtime

For incidental overtime (between 10 and 14 hours), the window of opportunity for the second crib meal break will be during the 90 minute period from the end of the eighth hour after the commencement of the shift.

This means, if asked to extend your shift past 10 hours, you should automatically be entitled to a break and subsequent allowances.

What does the Occupational Health and Safety Act say about facilities for breaks?

Clause 21 (2) d provides for the employer to provide, so far as is reasonably practicable, adequate facilities for the welfare of employees at any workplace under the management and control of the employer.

Clause 35 provide a duty for employers to consult with employees. The clause makes it clear that -

An employer must so far as is reasonably practicable consult with the employees of the employer who are or are likely to be directly affected by the employer making decisions about the adequacy of facilities for the welfare of employees of the employer.

What should I do if I think there is a problem?

Contact the AEAV via phone or email for more information, or speak to your local HSR. Every case will be different, we will be able to provide tailored advice to your specific situation.