

26 October 2021

James Davis  
Lead – Workplace Relations  
Ambulance Victoria  
375 Manningham Road  
Doncaster VIC 3108

**By Email:** [James.Davis@ambulance.vic.gov.au](mailto:James.Davis@ambulance.vic.gov.au)

Dear James

**Re: Rural Spares – Entitlement to break**

The Ambulance Employees Australia Victoria (**AEAV**) writes to Ambulance Victoria (**AV**) to raise concerns regarding AV's apparent change in practice regarding the interaction between contacting staff and the ten hour rest break required to be provided in accordance with clause 51.2 of the *Ambulance Victoria Enterprise Agreement 2020 (Agreement)*.

### **Circumstances**

This issue came to the AEAU's attention after we were recently contacted by a member who was rostered as spare for cycle 325 at a rural branch.

- The member exercised their right to start and finish at their home branch at the rostered start/finish times;
- The member had completed a 14 hour nightshift at 0800 hrs and was rostered for a second nightshift the following night, commencing at 1800 hrs;
- The member was not on a "Flexible Shift" nor receiving the remuneration applicable to those who have volunteered for "Flexible Shifts";
- At approximately 1500 hrs the member received a telephone call from the Rosters Department which woke them up;
- The Rosters staff member left a message stating "*Hey XXXXX just calling with your allocation for tonight please call us back. Thanks*";
- After speaking to an AEAU representative they called Rosters back to inform them that they would be restarting their 10 hour break;

- During the subsequent conversation the member was told by the Rosters staff member that they were not entitled to recommence their 10 hour break and that they could be called in the 8<sup>th</sup> hour of their break;
- The Rosters staff member stated that this was an ability integrated into the Enterprise Agreement;
- The member stated that their preference was to not be contacted in their break and they asked the Rosters staff member to make a note of that;
- The member was then told that Rosters could not make a note of that, and they would need to email their Area Manager for that to be facilitated; and
- The conscientious member then forewent a 10 hour break and attended their branch at 1800 hrs and completed their rostered shift.

### **AEAV concerns**

The AEAV is of the view this approach represents a change in practice. AV previously recognised that where an employee is contacted during their 10 hour rest period, the rest period would restart. The AEAV is concerned that the lack of controls around spares rostering continues to lead to inconsistent approaches which results in paramedics not being clear on their rights under the Agreement.

The AEAV attempted to negotiate relevant controls in the negotiations for the Agreement, but these were not supported by other parties to the Agreement. The subsequent "Spares trial" as an alternative to negotiated controls has since been watered down with AV severely limiting the scope for a trial so as to not provide tangible outcomes for paramedics.

Further, the AEAV is not aware of any clause within the Agreement which provides AV with the justification for interrupting 10 hour rest periods of those rostered as spare. The AEAV is concerned that by stating the Agreement allows for AV to contact employees in the final three hours of their required rest period, AV may be misrepresenting the employee's rights under the Agreement.

Finally, as a matter of occupational health and safety, the AEAV believes paramedics are entitled to not to be contacted outside of rostered hours unless the contact is necessary and approved by an Area Manager.

## Next steps

The AEAU asks that AV clarify the following questions:

- Has AV adopted a change in practice regarding the 10 hour rest break?
- What clause of the Agreement is being used to assert that AV can contact employees in the final three hours of the 10 hour rest break without the rest break restarting?
- What systems will be put in place to ensure these practices do not continue?

We request AV provide a written response to AEAU's concerns and questions as listed above by **close of business 9 November 2021**.

Should you wish to discuss this request further please do not hesitate to email or contact me on 0431 443 118.

Yours faithfully



**Brett Adie**  
**Secretary**  
**Ambulance Employees Australia Victoria (AEAV)**

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