



23 December 2021

Brett Adie
AEAV Secretary
United Workers Union
PO Box 327
North Melbourne VIC 3051

By Email: Brett.Adie@unitedworkers.org.au
Lyndal.Ablett@unitedworkers.org.au

Dear Brett

RE: Closure of Grievance Stage Two

I write in relation to the AEAU's grievance lodged with Ambulance Victoria (AV) on 7 December 2021. I confirm that the subject of the grievance was in relation to the ten hour rest break entitlement.

This letter is to confirm the details of the Stage Two grievance meeting held on Wednesday 15 December 2021 via MS Teams. Also in attendance was Huw Colechin, Acting Director People Services and Lyndal Ablett, Industrial Officer United Workers Union.

Below is a summary of what was discussed at the meeting:

- The AEAU's view that the existing custom and practice is that rural spare employees can recommence their ten hour break if that break is interrupted by AV contacting them by phone for the purposes of rostered shift allocation;
- WIN/OPS/009 states that "Operational crews are entitled to a ten hour break between periods of duty"; and
- It is the AEAU's view that definitions for "rest breaks" and "fatigue breaks" from WIN/OPS/009, as referenced by AV, do not apply as a spare employees is not on call.

Following consideration of the above points, I can confirm that:

- In accordance with clause 51.2 (a) of the *Ambulance Victoria Enterprise Agreement 2020 (Agreement)* 'employees are entitled to a ten hour rest break between periods of duty'.
- AV does not accept that there is an existing custom and practice in regards to rural spare employees being able to recommence their ten hour break if that break is interrupted by AV via contact from Rosters. AV acknowledges there may have been instances where this has occurred previously, however, it is not the existing or accepted custom and practice or in line with the entitlement under the Agreement;
- There is no entitlement within the Agreement or AV policy and procedure that prevents AV from contacting employees between periods of duty.



- AV's interpretation and utilisation of this entitlement remains unchanged with a ten hour **rest break** defined as 'a 10 hour break between periods of duty where the staff member may be contacted for return to duty' (as per WIN/OPS/009). To be clear, when employees are contacted by AV or the Rosters Department, this is not deemed as a return to duty.
- AV acknowledges that further clarity could be provided in WIN/OPS/009 with the terms 'ten hour break' and 'rest break' used interchangeably;
- The existing custom and practice has included the Rosters Department contacting employees who are rostered spare for purposes of shift allocation. This is not deemed as a return to duty.

AV understand that disruptions are not always welcomed, to mitigate this, employees may choose to set their telephone(s) to silent during their rest break when asleep or return any missed calls at their earliest convenience. AV maintains that employees may be contacted outside of rostered hours including whilst working spare and during a rest break. When contacting any employee outside of rostered hours and during a rest break, the Rosters Department are commonly considerate which is evident when they called this employee in the final three hours of the rest break versus calling them at an earlier time.

AV considers this response to be the conclusion of this grievance at Stage Two. Acknowledging that the AEAV may in the future seek further advice via the Fair Work Commission (**FWC**).

Please contact me on 0428 154 258, if you have any questions or would like to discuss this matter further.

Yours sincerely



James Davis
Lead Workplace Relations

