



3 December 2021

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

By Email: Brett.Adie@unitedworkers.org.au
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Dear Brett

RE: AV's response - Rural Spares – Entitlement to break

Thank you for your patience to compile this correspondence in response to your correspondence dated 26 October 2021 relating to Ambulance Victoria's (AV) practice when contacting employees whilst on a ten hour rest break. 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'. There is no entitlement within the Agreement that prevents AV from contacting employees during a rest break.

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 contracted by AV or the Rosters Department this is not deemed as a return to duty.

A **fatigue break** is 'a 10 hour rest break between periods of duty where the staff member may not be contacted for return to duty' (as per WIN/OPS/009).

Where employees have a ten hour rest break entitlement and have concerns about fatigue related fitness for duty, employees should follow the Fatigue Management Procedure (PRO/PAC/130) accordingly.

Furthermore, the employee that you have referenced in your correspondence was working 'spare' and has been contacted in alignment with the above definitions. As you are aware, the spare arrangement is not reflected in the Agreement and operates pursuant to agreed custom and practice being:

- Where an employee is rostered as spare for a shift, they will start and finish from their home branch as per the shift times unless they accept, by mutual agreement, to start and finish at a different time and/or location; and
- The existing custom and practice has included the Rosters Department contacting employees who are rostered spare for purposes of shift allocation.



On this occasion the Rosters Department called to confirm the employee's shift allocation. From what you have outlined we understand the employee chose to answer their telephone and converse with the Rosters Department accordingly.

We 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. Employees working Flexible Shifts have contactable arrangements pursuant to clause 38.16 of the Agreement. The comment referenced that *'The Rosters staff member stated that this was an ability integrated into the Enterprise Agreement'* appears to relate to those working Flexible Shifts and not spare.

As you may recall, during the enterprise bargaining period a claim was put forward relating to employees not being contactable outside of rostered hours however, this claim was not supported and did not form part of the finalised Agreement.

This paragraph has been redacted to preserve member confidentiality.

The 'spare trial' that you have referred to will continue to be managed through the AVEA Implementation Working Group in line with the agreed clause of the Agreement.

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

Yours sincerely



James Davis
Lead Workplace Relations

