

# Royal Hobart Hospital

## Know Your Entitlements!

### **Night Duty**

The *Nurses and Midwives (Tasmanian State Service) Award* - Part V - Hours of Work and Overtime Section C, (d) provides for the following:

(vi)... two (2) consecutive days off after a night shift. The morning upon which the night shift ends is not included as a day off but is a sleep day. Deviations from this should only be considered and rostered if the staff member has requested this roster variation.

### **What this means for you**

This clause in the Award was effective from 27 April 2017. From this date onwards, it is a rostering requirement that you are provided two 'clear days' after completing night shift, unless you have specifically negotiated an alternative roster with your NUM.

### **Breaks after Overtime**

The *Nurses and Midwives (Tasmanian State Service) Agreement 2014* – Section 16 – Double Shifts provides for the following:

16.2 An employee who has worked their rostered shift and continues to work a further non rostered shift (ie double shift) which finishes with a night shift, is not to be required to commence if rostered for an early or afternoon shift on the same day as the night shift has ended.

Provided where an early or afternoon shift is rostered to commence on the same day as the one on which the night shift ended the employee is to be

paid for the rostered shifts as if it had been worked, i.e. at the employee's base salary rate together with any applicable allowances and shift penalty

### **What this means for you**

You should not be required to return to work on the same day that you completed a late-night double shift. This is even if you were rostered to work an early or late shift on that day. You will also be entitled to be paid for the shift that you may have been rostered, even though you are not attending work.

### **Meal Breaks**

The *Nurses and Midwives (Tasmanian State Service) Award* – Part V – Hours of Work and Overtime, Section C, (c), provides for the following:

- (i) An unpaid meal break of not less than thirty (30) minutes or greater than sixty (60) minutes is to be allowed to an employee ... to be taken between the commencement of the fourth hours and the conclusion of the sixth ...
- (ii) Unless agreed ... an employee who is unrelieved for the period of the meal break is to be paid overtime rates ... until such time as relief is available
- (iii) Where an employee is interrupted during a meal break by a requirement to return to duty, the uncompleted meal break is to be counted as time worked and the employee ... allowed a meal break as soon as practicable. Should it be impractical ... the employee is to be paid at the overtime rates as prescribed ...

### **What this means for you**

If you have worked for six hours without at least a thirty minute break, you are entitled to claim overtime from the sixth hour until you are relieved for a break. If you have not received a thirty minute break at all during your shift, you are entitled to overtime payment from the six hour point until the conclusion of your shift. If

you start a meal break, have to go back to work and don't then get a 30 minute meal break, you are also entitled to overtime payments.

### **Meal Breaks on Night Duty**

The *Nurses and Midwives (Tasmanian State Service) Award* - Part V - Hours of Work and Overtime Section C, (b) provides for the following:

(iv) ...where a ten hour night shift is worked a paid meal break of not more than 30 minutes is to be allowed on each shift

### **What this means for you**

This allows for a paid meal break where you are not able to leave the facility, but you are still entitled to have a break from duties. Payment (which is at ordinary time) does not exclude your entitlement to a break on nightshift.

If you have any further queries about your entitlements under the current Public Sector Award or Agreement, please do not hesitate to contact the ANMF Information Centre on 6223 6777 or 1800 001 241 (outside Hobart area) or email [info@anmftas.org.au](mailto:info@anmftas.org.au).

Authorised by Neroli Ellis, Branch Secretary  
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