

KNOW YOUR rights



**TO PROTECT &
IMPROVE YOUR
ENTITLEMENTS BE
AN ACTIVE UNION
MEMBER**

**Please discuss
any problems with
your shop steward
or ring the union
on 03 9387 0189**



**COMMUNICATION
WORKERS' UNION**

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EXTENDED HOURS & OVERTIME

OVER-TIME AND EXTENDED HOURS

OVERTIME is not a right or an entitlement. There has however been an understanding that some over-time will be made available to improve employees' take home pay. The aim is to find a happy balance or a "give and take" situation in your workplace that suits workers and their families, as well as getting the job done and keeping the customers happy.

FAIR SHARE OF OVER-TIME

Australia Post has an obligation to share overtime **fairly**. This is guaranteed in Clause 7.2.3 of the Australia Post Enterprise Agreement 2013.

"Australia Post's staffing resources at facility level will continue to comprise predominantly permanent employees (full and part-time) with a fair and reasonable utilisation of overtime and extended hours for business fluctuations above required staff establishment levels."

BEING CUT OUT BY "CASUALS"?

Fixed term, casual and agency staff should not be used to exclude permanent staff from a fair and reasonable amount of over-time. "Temporary" staff are only supposed to be used, to "back-fill" permanent staff when they are on long-term leave e.g. compensation, maternity leave, long-term sick leave, 48/52 (purchased) leave or at Christmas time.

If you think the way management is arranging the over-time and or extended hours in an unfair manner, approach you're Shop-steward and ask them to dispute it.

DO I HAVE TO DO OVER-TIME?

In short, you do, if you are full-time, but only what is "**reasonable**". *Reasonable Overtime Clause 17.1.1 an employer may require an employee to work reasonable overtime in accordance with the provision of this clause.*

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EXTENDED HOURS

17.1.1 (b) *Provided that this subclause does apply to employees employed in accordance with the provision of clause 28.4.3 (parental leave).*

Australia Post cannot require an employee working part-time to work over-time while pregnant and during the 2 year period after the birth of a child)

17.1.1(c) *An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:*

*(i) any risk to employee **health and safety**;*

*(ii) the employee's **personal circumstances** including any family responsibilities;*

(iii) the needs of the workplace or enterprise;

(iv) the notice (if any) given by the employer of the overtime and by the employee of his or her intention to refuse it; and

(v) any other relevant matter.

There is a custom and practice arrangement that employees should notify at the beginning of their shift when they are not available for overtime.

WHAT IF I AM EMPLOYED PART-TIME, DO I HAVE TO DO OVER-TIME?

The answer to this depends on your employment contract. Australia Post has chosen to employ you on a part-time basis, and you are not being paid over-time rates for your first few extended hours so the obligation to work over-time is not like that of a full-time employee. Part-timers too can refuse on reasonable grounds such as having to study, go to another job or caring responsibilities.

EMERGENCY DUTY OR RECALL

Clause 17.5 provides *"Where an employee is called on duty to meet an emergency at a time when the employee would not have been on duty, and no notice has been given before ceasing duty, the employee shall be paid for such emergency duty at the rate of 200%. Travel time is included. The minimum payment is for 2 hours at 200%."*

WHAT DO I GET PAID FOR WORKING OVER-TIME?

The rates for overtime duty are:

Monday to Friday	150% for the first 3 hours and then 200%.
Public holidays	250%
Sundays	200%
Saturdays	For non-shiftworkers, 150% for the first 3 hours and then 200%. For shift workers, 200%.

Part-time employees only receive overtime penalty rates when they work more than 7 hours 21 minutes on any one day or where they work more than 5 days per week.

Employees on classifications of AO 6 and PM 3 or above are not eligible for overtime.

Employees can have time off (time-in-lieu) (at the appropriate rate) instead of payment by mutual agreement in writing.

Where an employee is doing over-time not continuous with ordinary duty, the minimum overtime payment payable for each period of overtime is 4 hours at the prescribed overtime rate.

OVER-TIME MEAL ALLOWANCE (Tea Money or Mealies)

An Overtime Meal Allowance (currently \$14.65 to be increased to \$15 in December 2014) becomes payable after an hour's overtime continuous with ordinary duty or after 5 hours overtime on a day when you are not rostered for ordinary duty. Currently, some employees have an entitlement to be paid in cash (transport & processing centres) while posties receive payment in their pay.