

ANMF (VIC BRANCH)

Newsflash

Special newsflash for public sector nurses and midwives



30 May 2022

Worked it? Claim it! – Overtime

With the immense pressure in our public health services at the moment, many members are reporting missing meal breaks, working unpaid overtime, and having their rosters change at short notice.

Overtime

ANMF recognises that, for a number of reasons, members work overtime but do not always get paid. In each EBA we try and make the process for approval of overtime easier. The most common reason that members report not being paid overtime is that the overtime was not approved by the appropriate manager.

Clause 49.4 of the 2020-2024 Victorian nurses and midwives enterprise agreement EBA (anmfvic.asn.au/2020EBA) addresses this by clarifying that a request or direction made by the nurse or midwife in charge of the ward that you work overtime, is approved overtime. Whether that was also approved by a more senior nurse or midwife is irrelevant to your entitlement to be paid.

ANMF expects employers will create policies and procedures regarding the process the nurse or midwife in charge of the ward takes in approving overtime. Whether this has been done or not, you remain entitled to overtime.

When is overtime payable?

Typically:

1. when you are requested or directed to work beyond your rostered shift.
2. when you work more than 76 hours in a fortnight

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary

What are the overtime penalties?

Full time or part time	Casual
Monday to Friday (inclusive) – time and half for the first two hours, double time thereafter	Monday to Friday (inclusive) – 175% for the first two hours (which equates to time and a half plus the casual loading of 25%) and 225% (double time plus casual loading of 25%) for all subsequent hours
Saturday to Sunday (inclusive) – double time	Saturday to Sunday (inclusive) – 225% (which equates to double time plus the casual loading of 25%)

Write to your manager and payroll office

If you have worked overtime and have not been paid it, make sure you raise the matter with your manager and payroll in writing, so you have a record.

The following is an example of your first email re non-payment of overtime

—
To: "immediate manager" "Payroll"

cc: records@anmfvic.asn.au

Re: Underpayment of wages

I write to formally request that I receive payment of overtime I believe I am entitled to.

In pay period ending xx/xx

I << worked beyond my rostered shift/s >> on the following occasions:

OR

I worked more than 76 hours in a fortnight

I request that this underpayment be rectified in my next pay. I am happy to meet at a mutually acceptable time, accompanied by the ANMF Organiser, should you require this.

<<Name>>,<<employee number>>

—

If you don't receive a positive response – or indeed any response – please send a second email for example as follows:

—
To: "HR manager" "Payroll Manager"
cc: records@anmfvic.asn.au

Re: Underpayment of wages

I write further to my email of xx date to formally escalate my request that I receive an offline payment to rectify an underpayment I am owed.

I requested that this underpayment be rectified within 7 days. I am happy to meet at a mutually acceptable time, accompanied by the ANMF Organiser, should you require this.

<<Name>>,<<employee number>>

—
If you don't receive a positive response – or indeed any response after your second attempt – please notify ANMF via anmfvic.asn.au/memberassistance (scroll down for button to login).

Please also note that you may also be entitled to an **overtime meal allowance** if:

In addition to a shift, you are required to work more than:

- one hour beyond the usual finishing hour of work Allowance A applies; or
- five hours beyond your usual finishing hour of work Allowance A and Allowance B applies

On a rostered day off when you work more than:

- five hours overtime Allowance A applies; or
- nine hours overtime Allowance A and Allowance B –applies

Allowance A is \$14.31 and Allowance B is \$11.44