

Issued: 18/07/2018

# Commissioner's Information Sheet

This information **only applies** to employees in the following designations covered by the following enterprise agreements:

- Administrative Officers, Professionals, Technicals, Physicals, Senior Chief Correctional Officers covered by the **Northern Territory Public Sector 2017 - 2021 Enterprise Agreement** – Effective 30 May 2018

## Information Sheet – Shiftworker – changes to provisions

1. What is a Shiftworker?
2. What am I entitled to?
3. Frequently asked questions
4. Relevant Legislation

### 1. What is a Shiftworker?

A shiftworker is an employee who is rostered to perform ordinary hours of duty outside 6.00 am to 6.00 pm Monday to Friday, and/or rostered Saturdays, Sundays or Public Holidays for an ongoing or fixed period.

A shiftworker's ordinary hours of duty can be 36.75 hours per week or 38 hours per week, or an average of 36.75 or 38 over a cycle of shifts.

If you are uncertain as to what your ordinary hours of duty are, contact your Human Resources area within your home Agency.

### 2. What am I entitled to?

#### Shiftwork penalty rates

In addition to an employee's ordinary salary for the shift, a shiftworker will be paid shiftwork penalty payments as follows:

- Ordinary duty performed on a Saturday – 50%
- Ordinary duty performed on a Sunday – 100%
- Ordinary duty performed on a public holiday – 150%

Monday to Friday afternoon/night shift penalty payments of 15% apply depending on the employee's role and the start/finish time of their shift. Monday to Friday evening/night shift penalty payments increase to 30% after working the same pattern continuously for a period of four weeks.

For more specific information regarding shiftwork penalty payments applicable to shift duty performed at other times, refer to the Schedules in the NTPS 2017 – 2021 Enterprise Agreement, as follows:

- Schedule 2 – clause 2.3
- Schedule 3 – clause 3.13
- Schedule 4 – clause 4.9
- Schedule 5 – clause 5.6 (refers to Schedule 4)
- Schedule 6 – refer to Schedule 2 clause 2.3
- Schedule 7 – clause 7.6
- Schedule 8 – clause 8.4.

*Note: if an employee is unsure which schedule is applicable to their position, or they are covered by another enterprise agreement, they should contact their relevant HR team for further information.*

### Overtime

Duty for a shiftworker will be considered overtime where:

- It is performed on any day which is outside the ordinary rostered hours of duty on that day; or
- It is performed in excess of the weekly hours of ordinary duty, or an average of the weekly hours of ordinary duty over a cycle of shifts.

Overtime rates for additional hours performed Monday to Saturday vary depending on which schedule the employee is covered by, and employees should contact their relevant HR team for further information.

For Sunday and Public Holiday duty, all overtime performed is as follows:

- on a Sunday will be paid at the rate of double time; and
- on a Public Holiday will be paid at the rate of double time and a half.

### Recreation leave and shiftwork penalties

A shiftworker on approved paid recreation leave is entitled to shiftwork penalties as if they were rostered on to perform duty during the period of recreation leave. Such payment will be referred to as 'penalties in lieu of shiftwork' (PILS).

The payment of PILS is subject to the employee taking at least one day's recreation leave which has been deducted for the shift that the employee would have worked on that day.

Where a forecasted roster has not been provided with a recreation leave application then PILS will be calculated based on the employee's previous six months of shiftwork payments.

### Personal leave

A shiftworker may access personal leave without providing documentary evidence eg medical certificate, up to a maximum of the employee's weekly hours or five shifts whichever is the greater, provided that no more than three of those shifts may be consecutive working days. Where an employee accesses personal leave for a period less than their normal shift (eg 4 hours), this will be classed as one of the five shifts.

## **3. Frequently asked questions**

### **Question 1**

- My normal rostered hours are 12 hour shifts. Am I able to take 5 x 12 hour shifts (eg 60 hours) of personal leave without providing documentary evidence?

Yes, you can take up to a maximum of your normal weekly hours (eg 38 hours) or five shifts, whichever is the greater.

### **Question 2**

- My normal rostered hours are 12 hour shifts. If I take 4 x 12 hour shifts and 1 x 8 hour shifts (eg 56 hours) of personal leave without providing documentary evidence, does the 8 hour shift count as one shift?

Yes, as you have exceeded your weekly hours (eg 38 hours) a part shift will be counted as one shift.

### **Question 3**

- My normal rostered hours are 7.6 hour shifts. If I take 4 x 7.6 hour shifts and 1 x 4 hour period (eg 34.4 hours) of personal leave without providing documentary evidence, have I exhausted my entitlement?

No, you can still access a further 2.6 hours of personal leave without documentary evidence.

### **Question 4**

- My normal rostered hours include evening and night shifts Monday to Friday, but I am not required to work weekends. Am I still a shift worker?

Yes. The definition of a 'shiftworker' includes ordinary rostered hours of duty outside 6.00 am to 6.00 pm Monday to Friday and/or Saturdays, Sundays and Public holidays.

### **Question 5**

- I am rostered for a shift from 7.00 pm Monday, which is a public holiday, to 7.00 am Tuesday, which is not a public holiday. What do I get paid?

Shift penalties are paid for actual hours worked on a public holiday. Therefore in this scenario you will receive 150% from 7pm to midnight, then for the remainder of the shift till 7.00am you will be paid the normal penalties you would have received.

### **Question 6**

- I have been asked to do overtime from 7.00 pm Monday, on a public holiday, to 7.00 am Tuesday, which is not a public holiday. What do I get paid?

Overtime is paid at the rate applicable to the day the overtime is worked. Therefore in this scenario you will be paid double time and a half from 7.00pm to midnight, then for the remainder of the overtime shift you will be paid at the applicable rate of the day.

### **Question 6**

- Previously I had to take a minimum of five days recreation leave to be entitled to penalties in lieu of shiftwork (PILS), how many days can I take now?

You will be paid PILS if you are approved one day's recreation leave.

### **Question 7**

- I am on recreation leave at half pay, am I entitled to receive PILS?

Yes. You will be paid penalties at the rate of 50%, the same rate you are taking your recreation leave (i.e. half pay).

### **Question 8**

- If I work 12 hour shifts, how will my recreation leave be deducted?

Your recreation leave will be deducted in hours for the shift that you would have worked on that day.

### **Question 9**

- I am rostered on a public holiday and take recreation leave, am I entitled to PILS?

Where you are rostered on a public holiday whilst on recreation leave you will be seen to observe the public holiday and not be deducted any recreation leave for this day and not receive PILS.

## **4. Relevant Legislation**

- [Northern Territory Public Sector 2017 – 2021 Enterprise Agreement](#) Division 3 (Part 4) – Shiftworkers