

Overtime and TOIL Policy

1. Purpose

Inala Community House (ICH) recognises that from time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings or represent the organisation outside of their usual working hours.

Time off in lieu of paid overtime will be offered as an option to employees who are required to work hours beyond their normal contractually agreed fortnightly hours.

ICH acknowledges the importance of a proper work-life balance for all employees and the health and safety risks which can arise from working excessive hours. This policy aims to promote a healthy work-life balance and prevent risks from working excessive hours.

2. Scope

This policy applies to all Inala Community House employees. For the purposes of this policy employees shall be called workers.

3. Definitions

Ordinary Hours: for a day worker, includes hours worked between 6.00 am and 8.00 pm Monday to Sunday. By agreement, the ordinary hours may be worked up to 10 hours per shift. Ordinary hours:

- for a full time worker is 38 hours a week or an average of these hours over the week (76 hours a fortnight)
- for a part-time worker is less than 38 hours a week (76 hours a fortnight)
- for a casual worker is 38 hours a week or an average of these hours over the week (76 hours a fortnight)

TOIL: an agreement between the employee and ICH to take time off instead of receiving overtime payments.

Recall to Work: Where after leaving the workplace, the worker is requested to return to attend a workplace to perform work. On-call is not a recall to work and is not subject to the recall to work provisions of the Award.

4. Policy

The purpose of this policy is to:

- Establish guidelines for all employees at ICH for overtime and time off in lieu (TOIL);
- Ensure that the operational needs of the programs and services of ICH are balanced with flexible staffing arrangements, whilst also treating all workers equitably;
- Ensure that workers are not working excessive hours and to promote a healthy work/life balance.

4.1 What Constitutes Overtime

Full-time employees get overtime rates if they work:

- more than their maximum ordinary hours of work, or
- outside the spread of ordinary hours (day workers only).

Part-time and casual employees get overtime rates if they work more than:

- 38 hours per week
- 76 per fortnight
- 10 hours per day, or
- outside the spread of ordinary hours (day workers only).

Part-time workers don't get overtime rates just because they work more than their guaranteed hours.

Overtime work is subject to different payment rates in accordance with the Award.

All overtime worked must be pre-approved by the Manager, Team Leader or CEO. If individuals choose to stay late or start early to complete work without prior approval then they may not be eligible for overtime payments, however this can be granted at the discretion of the relevant supervisor.

ICH can only request or require employees to work more than their maximum weekly hours where the additional hours are reasonable. Workers can refuse to work overtime that unreasonably exceeds the maximum weekly hours.

In approving overtime, the relevant supervisor must consider the impact of overtime on health and safety of the worker. Any identified risks, e.g. fatigue, must be managed appropriately.

4.2 TOIL

As an alternative to receiving overtime payments or for part-time staff working over their contracted hours, time off in lieu (TOIL) can be accrued.

4.2.1 Accrual of TOIL

TOIL can be accrued with the approval of the Manager, Team Leader or CEO. The relevant supervisor will not permit TOIL balances of over 25 hours without approval from the CEO.

If individuals choose to start early or stay late to complete work without prior approval then they will not be eligible to make a request for time in lieu, this will be granted at the discretion of the relevant supervisor.

The amount of TOIL accrued is the same as the number of overtime hours worked.

TOIL is calculated at the end of the pay cycle and is based upon the number of hours worked. TOIL is calculated based upon the number of hours over a worker's contracted hours. Accrued TOIL is then added to the individuals current TOIL balance at the end of the pay period. Details of accrued TOIL balances are emailed to workers at the of the pay

period. Workers may also enquire with their Manager or supervisor as to their current TOIL balance.

4.2.2 Taking TOIL

Time off can be taken at agreed times between the supervisor and the worker. In considering approval to take time off, the relevant supervisor will consider the needs of the organisation, workloads and worker availability.

Requests to take TOIL must be requested through Deputy by the worker. In the event that a worker has not worked their full normal contracted hours, Managers or supervisors will discuss this with the worker and request that they add a request to use TOIL (to make up their hours) in Deputy. If a worker does not make a request through Deputy for TOIL, they will only be paid for the hours reflected in Deputy.

Time off must be taken within the three month period after the overtime was worked. At any point in time, a worker may request to be paid for overtime instead of having TOIL.

When taking TOIL, it is paid at the worker's normal hourly rate.

4.2.3 Ending Employment

If, on the termination of the worker's employment, any accrued TOIL balance which has not yet been taken will be paid at the overtime rate applicable to the overtime when worked, based on the rates of pay applying at the time payment is made.

4.2.4 TOIL Accrual and Overtime Payments

ICH recognises that the needs and priorities of workers can change based on their circumstances and that some may prefer to accrue TOIL or to receive overtime payments in accordance with their individual circumstances and preferences. ICH will not pressure or influence workers to agree to take time off instead of payment for overtime.

4.3 Overtime and Rest Periods

After working any period of overtime in a day (over their ordinary hours), there must be at least a ten hour rest period in accordance with the Award. Where this is not possible, additional payment rates may apply.

4.4 Recall to Work and On-Call

Occasionally some workers may be required to be recalled to work from time to time, or to be rostered on-call. The Award specifies payments and rest breaks related to a recall to work.

On-call is not a recall to work and is not subject to the recall to work provisions of the Award. Workers rostered on-call will be entitled to the payment of an on-call allowance in accordance with the Award.

4.5 Right to Disconnect

ICH seeks to promote a healthy work/life balance for all workers and this includes having the right to disconnect outside of work hours. ICH does not expect workers to monitor, read or respond to contact (or attempted contact) outside of their work hours except for where a worker is on call.

In limited circumstances, ICH may seek to contact a worker outside of their working hours. In these cases, workers have the right to refuse to monitor, read or respond to contact (or expected contact) unless it is unreasonable.

To promote workers' right to disconnect, ICH does not encourage any worker to use their personal mobile phone to make contact with service users or other stakeholders unless no caller identification is enabled however this only works with phone calls, not text messaging.

5. Review

This policy shall be reviewed every 3 years.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

6. Related Documents

Policies

ICH Leave Policy

ICH Ending Employment Policy

Other

Social, Community, Home Care and Disability Services Industry Award 2010