

Title: Breaks Between Shifts – Nurses (Queensland Health) Certified Agreement (EB6) 2006	Number: IRM 2.5-18
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POLICY

This policy provides further clarification regarding the application of fatigue leave provisions for nurses.

This policy must be read in conjunction with Appendix A, clause 31 of the *Nurses (Queensland Health) Certified Agreement (EB6) 2006*.

In addition to the above clause as from 26 October 2005 clause 21 of the Nurses EB6 Agreement provides that '**double rates**' is substituted for '**double time**' where the phrase '**double time**' occurs.

DEFINITIONS

Double rates means as per Clause 21 of the Nurses EB6 Agreement the employee is entitled to be paid single time extra above the ordinary rate of pay set down for the day upon which the employee is rostered for duty.

Example: Fatigue penalty on a Saturday means the employee is paid the 150% for the Saturday shift plus an additional 100% fatigue penalty on top of this.

Double Time means the employee is only entitled to be paid at 200% for any fatigue penalty. Therefore if an employee is entitled to fatigue penalty for a Saturday shift, the employee will only be paid the normal 150% for the Saturday shift as above plus an additional 50% payment for the fatigue penalty.

THE EIGHT (8) HOUR BREAK AGREEMENT

- Nurses are entitled to a 10 hour break when any continuous overtime and/or recalls are worked. The break is to apply from the last period of overtime worked. The signing of the 8 hour break agreement between rostered shifts does not prevent the 10 hour break occurring except in circumstances as outlined in clause 31.2.2(a), (b) and (c) of Appendix A of the Nurses EB6 Agreement as follows:

a) For the purpose of changing shift rosters;

- b) Where a shift worker does not report for duty and a day worker or shift worker is required to replace the shift worker;
 - c) Where a shift is worked by arrangement between the employees themselves.
- Where an employee who is on call and recalled to work, the 8 hour agreement will no longer apply for this period. The 8 hour agreement is in place to determine the break between the termination of ordinary work on one day and the commencement of ordinary work on the next day.

NOTE To assist districts and employees, the Queensland Nurses' Union have agreed to Attachment 1 being used when obtaining agreement from employees to forego the ten (10) hour break **between shifts**.

NURSES IN RECEIPT OF ON-CALL AND RE-CALL ALLOWANCE

- Employees in receipt of on-call or re-call allowance under the parent awards are entitled to double rates when recalls in excess of 2 hours on one or more call-outs is worked and the employee has not had the required 10 hour consecutive break. However, the employee must seek permission from their immediate supervisor prior to commencing their next rostered shift.
- Double rates are not payable to an employee who does recalls that are less than 2 hours on one or more call-outs. Where an employee on call and is recalled to work and works 2 hours or less on one or more call outs, such call outs are deemed to not interrupt a 10 consecutive hour break.
- In the circumstance where an employee works so much overtime between the termination of ordinary work one day, and the commencement of ordinary work the next day at least 10 consecutive hours off duty has not elapsed between those times, the employee shall be released on completion of such overtime until they have had such an absence.

EIGHT HOUR SHIFT BREAK AGREEMENT

Clause 31 of Appendix A of the *Nurses (Queensland Health) Certified Agreement (EB6) 2006* states that:

“Employees shall be allowed a break of not less than ten (10) hours between the termination of one shift and the commencement of another shift. A break of not less than eight (8) hours shall be given for shift workers in the following circumstances:

- (i) The purpose of changing shift rosters.*
- (ii) Where a shift worker does not report for duty and a day worker or a shift worker is required to replace the shift worker.*
- (iii) Where a shift is worked by arrangement between the employees themselves.”*

Individuals, who agree to an eight (8) hour break between the completion of one shift and the commencement of the next, are required to sign this Eight (8) Hour Shift Break Agreement Form.

PLEASE NOTE:

1. Employees should be provided with copies of those Clauses of the Award dealing with on-call, recall hours and overtime, prior to signing the agreement.
2. The description in (i) above “for the purpose of changing shift rosters” refers to an 8 hour break being allowed at one time only. That is at the end of one fortnightly roster and at the beginning of the next fortnightly roster (or monthly rosters as the case may be).
3. If an employee wishes to have 10 hours between each rostered shift then no form is required to be signed.
4. Where units are using a self-rostering system, it becomes the responsibility of nurse managers to ensure that rostering standards meet award requirements.
5. Termination of the Agreement will be in writing and forwarded to the appropriate Nurse Manager.

I _____ agree to, in accordance with
(Name of Employee)

clause 31 of Appendix A of the *Nurses (Queensland Health) Certified Agreement (EB6) 2006*, reduce my 10 hour break, between completion of one shift and the commencement of the next, to an 8 hour break.

Sign _____

Designation _____

Date _____