

8 December 2017

NSW Police Radio Operations – Compromise on meal and crib breaks

Compromise obtains 30-minute crib break on 12-hour shifts

Following a hard-fought dispute going back to December 2016, the PSA and ROG management have agreed on a compromise which enshrines a 30-minute crib break for members working 12-hour shifts at all VKG locations, subject to conditions. The conditions are that members taking WHS breaks will first have to seek permission from the shift supervisor.

To put this in perspective, here is a brief history of the dispute:

- » On 24 February 2017, staff were advised a new roster with 50-minute meal and 20-minute crib breaks would be implemented for all staff from 21 March.
- » On 9 March 2017 the PSA wrote to management rejecting the changes and threatening to lodge an industrial dispute. As a result of this letter, the implementation of the new breaks was put on hold.
- » In April 2017, the PSA offered to settle the dispute on the basis of 60-minute meal break and a 20-minute crib break. This was rejected by management.
- » In May 2017, members were asked to participate in an email survey, indicating whether they wished to accept the changes or continue with the dispute. A clear majority of members voted to continue with the dispute.
- » Management attempted to implement the change again on 4 June 2017. A further threat

from the PSA of lodgement of an industrial dispute delayed implementation again.

- » However, management went ahead and implemented the new roster from 30 July. The PSA was able to prevent part-timers' breaks being reduced from 60 to 50 minutes, but the breaks for full-timers were reduced despite our opposition.
- » On 7 August 2017, members commenced industrial action in the form of bans at Sydney and Penrith centres.
- » On 14 August 2017, the Industrial Relations Commission made orders for the industrial action to cease. The PSA directed members to comply with the orders.
- » After further meetings, management wrote to the PSA on 16 November 2017 with a final offer. The letter offered two options to be put to members. Members could decide to either accept the reduced breaks of 50/20 (Option 1), or be granted a 30-minute crib break on condition that members would have to ask permission from the supervisor before taking WHS breaks (toilet breaks not included) (Option 2). Management required an answer by 30 November.
- » The PSA conducted a web survey of members between 22 and 29 November 2017. The survey asked whether members wished to accept either management's option 1 or management's option 2, or reject both and continue with the dispute in the Industrial Relations Commission.



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» The result of the survey was that option 2 received the most votes. Accordingly, the PSA notified management that management's second proposal would be accepted. The proposal has been formally accepted today and will be implemented from 31 December.

It is understandable some members will be disappointed that the union was not able to restore meals and cribs to the previous lengths and that they will have to seek permission for short breaks. However, in evaluating the outcome, members should keep in mind the following:

- » Management had a strong case that the award was not being complied with. In particular, a 60-minute meal break could be used to argue that less than 35 hours were being worked per week. We had strong indications from the Industrial Relations Commission during the bans hearing that the Commission would take a dim view of this.
- » If management had decided to require staff to ask permission prior to taking breaks, it could probably have done so anyway.
- » Under this agreement, the 30-minute crib break is set in stone and cannot be taken away.

- » Under the agreement, staff at Oak Flats get the 30-minute crib break for the first time.
- » Under the agreement, part-time staff continue to have a 60-minute meal break (as well as a 30-minute crib break when they work more than 10 hours).
- » Shift supervisors should continue to allow WHS breaks. The requirement to ask permission does not give supervisors the right to unreasonably refuse breaks. Bathroom breaks do not require the permission of the shift supervisor.
- » **Any move to systematically deny reasonable WHS breaks will be strongly opposed by the PSA as it is not in line with the compromise reached and impacts on the health and safety of our members in managing fatigue.**
- » The PSA has written to NSW Police to formally accept the position based on the ballot of members. This will apply to all ROG Centres across NSW from 31 December 2017.

A union workplace is a stronger and fairer workplace – talk to your colleagues about joining the PSA!

