

NSW Police - Introduction of on-call work practices - State Intelligence Command

Members in State Intelligence Command have recently contacted the PSA with concerns about the introduction of on-call arrangements.

Despite information that may have been circulating from the Command, there had been no notification of this change in work practice to the PSA, let alone consultation.

Whilst the PSA will not take action that jeopardises important operational elements of NSW Police work, we have sought urgent consultation from the Command and will meet in the coming week, as well as being provided with a copy of the SOPs. This will allow the PSA to anticipate any possible industrial issues that may arise through the work practice or SOPs.

In the meantime, members should be advised of the following:

- » The introduction of on-call practices is allowed subject to the requirements set out in the *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees Award 2009, Clause 94. On Call (Stand-By) and on-Call Allowance*
- » As detailed in this clause, members receive an allowance for time they are required to be on-call outside their working hours.
- » A member who is on call and is called out will be paid at the overtime rates set out in **Clause 92. Overtime Worked By Day Workers**
- » According to **Clause 90. Overtime – General**, there are circumstances in which a member can refuse to work overtime (and thereby should apply not to be on-call). These circumstances can include factors such as commitments outside the workplace, particularly family and carer responsibilities, community obligations or study arrangements; or any risk to health and safety; or other relevant matters.

- » The PSA has been advised that SOPs will be circulated this week clarifying further details and parameters of on-call work practices within the Command.

Any member who has commitments outside the workplace or other relevant circumstances as detailed above can apply to be exempted on the grounds that they can't be directed to work overtime. If this request is denied they should contact the PSA for advice and assistance.

Any member who is pressured into undertaking on-call/overtime work practices despite having relevant exempting circumstances could be a victim of a breach of the *NSW Anti-Discrimination Act 1977*. Illegal pressure could include actions such as threats to their current or future part-time or flexible working agreements, current employment tenure within the Command, and future promotional opportunities. Members in this position should contact the PSA for advice and assistance.

A reminder that as a PSA member, you are covered for lost wages if you are injured travelling to and from work, including if you are required to do overtime while on call. This insurance is part of your PSA membership and is not applicable to non-members.

If you require any further advice or assistance on this matter, or to organise a PSA meeting in your workplace, do not hesitate to contact:

- » **Andrew Wright** - Industrial Officer
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- » **Roland Harris** – Organiser
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