



### **Reasonable Overtime Seven Point Pork—Port Wakefield**

Your Union has been in discussion with the company over the overtime requirements.

**We have come to an understanding based on both the EBA and the National Employment Standards outlined below:**

- ◆ The company will advise the workforce by 8am on the day that overtime is required this will be done via PA announcement and written notice on white boards.
- ◆ An employee not able to work past their finishing time must notify HR by 11am the reasons for being unable to work the overtime must be in line with reasonability under the national employment standards. (see below)

**Should any member have issues when advising HR we suggest that you have a union official on the phone so we can work through it together.**

**Please request this at the time!**

#### **EBA Clause:**

27.4 The company may require all employees to work such reasonable overtime as may be required by the company to meet operational requirements.

#### **National Employment Standards Section 63 - *Maximum weekly hours of work***

An employer must not request or require an employee to work more than the following number of hours in a week unless the additional hours are reasonable:

for a full-time employee—38 hours; or

for an employee who is not a full-time employee—the lesser of:

38 hours; and

the employee's ordinary hours of work in a week.

## ***Employee may refuse to work unreasonable additional hours***

(2) The employee may refuse to work additional hours (beyond those referred to in paragraph (1)(a) or (b)) if they are unreasonable.

## ***Determining whether additional hours are reasonable***

(3) In determining whether additional hours are reasonable or unreasonable for the purposes of subsections (1) and (2), the following must be taken into account:

- ◆ any risk to employee health and safety from working the additional hours;
- ◆ the employee's personal circumstances, including family responsibilities;
- ◆ the needs of the workplace or enterprise in which the employee is employed;
- ◆ whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours;
- ◆ any notice given by the employer of any request or requirement to work the additional hours;
- ◆ any notice given by the employee of his or her intention to refuse to work the additional hours;
- ◆ the usual patterns of work in the industry, or the part of an industry, in which the employee works;
- ◆ the nature of the employee's role, and the employee's level of responsibility;
- ◆ whether the additional hours are in accordance with averaging terms included under section 63 in a modern award or enterprise agreement that applies to the employee, or with an averaging arrangement agreed to by the employer and employee under section 64;
- ◆ any other relevant matter.

Please click on the link below for further details:

<https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/maximum-weekly-hours#factors-determining-reasonable-additional-hours>



*Authorised by Sharra Anderson , Branch Secretary  
AMIEU SOUTH & WESTERN AUSTRALIAN BRANCH*