



Reasonable Overtime Seven Point Pork—Port Wakefield

- ♦ Not that long ago your union and the company had come to an understanding about notifying the workforce about overtime being needed. This was to assist with those who had reasonable reason as to why they could not work on a particular day past a particular time.
- ♦ This notice was not meant to restrict the overtime requirements that the company may have, it was purely to assist those needing to notify the company of when they couldn't work past the normal finishing time.
- ♦ The clause below notifies you that if required by the company to meet operational requirements then overtime is required providing it is reasonable, if you are unable to work past a certain time on a particular day please notify HR.
- ♦ Given workers have now refused to work if the notice is not put up on the board by 8am the company elects to change the negotiation notice period to weekly instead of daily.

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:

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*