

V/Line Operations EA

YOUR
EA
2019

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10 Ordinary Hours – FAQ

During the later part of bargaining and mediation of your Enterprise Agreement there has been one clause that has generated more discussion and questions than any other; *Clause 56: Length of Shifts in Part 6 (General Conditions- Operations and Administrative Employees and Passenger Operations Employees)*.

This document contains the clause as it will be written in the Enterprise Agreement as well as explanation of what each part means.

The Clause:

56. LENGTHS OF SHIFTS

- a) An employee may be rostered to work up to eight ordinary hours in any shift. Shifts shall be completed within 10 hours inclusive of overtime hours and within 9 hours where practicable.

56.2 Extended Ordinary Hours Rosters

- a) Employees may be rostered and paid up to a maximum of 10 ordinary hours in a shift in a particular work area where the majority of employees in the work area agree to an extended hours roster after the following process:
- b) Where the employer, or an employee or a group of employees propose the introduction of an extended hours roster consultation will occur consistent with the roster consultation provision of this Agreement. That consultation will include the convening of an initial consultation meeting.
 - i) If following an initial consultation meeting there is interest in the introduction of an extended hours roster at least 14 days' notice must be given of any vote by the employees in the work area.
 - ii) Where 75% of affected employees vote to introduce the extended hours roster, and the employer agrees, an extended hours rosters will be introduced.
 - iii) When implementing an extended hours roster in accordance with the clause V/Line must consider the circumstances of individuals who have particular difficulties with the working of extended hours rosters and consider measures to mitigate those difficulties.

- 56.3** Where an extended hours roster applies, and the average shift length for the work area exceeds 8.5 hours, V/Line will provide a roster where either:

- a. at least one block of three consecutive booked off days will be rostered in each fortnight, or,
- b. at least one block of six consecutive booked off days will be rostered in each four weeks, or,
- c. an alternative pattern of days off agreed through the process in this clause.

- 56.4** The process contained in clause 56.2 must be followed where either party proposes to transition from an extended hours roster to eight hour shifts.

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What does it mean?

Eight Hours rostering remains the standard default for all rostering & overtime calculations. No rosters will be changed by this clause without thorough consultation *and* agreement of each affected work group.

75% or more of each work area must agree to a change, before a change can occur.

The clause operates in the following way:

- An employee will be rostered to work up to 8 ordinary hours.
- A change to 10 ordinary hours is only by 75% majority agreement for each work area.
- V/line, any employee, or group of employees may propose a change to extended ordinary hours rostering.
 - There must be consultation.
 - There must be at least 28 days' notice of any change.
 - There must be a vote on any proposed change, and 14 days' notice must be given before a vote can occur.
 - Any affected work groups/areas that does choose to use a 10 Ordinary Hours roster can choose to change back to 8 Ordinary Hours again at any time (consultation must be followed).
 - V/line must consider individual & exceptional circumstances before introducing a new roster.
- Where Extended Ordinary Hours rostering occurs, the rosters must have:
 - At least one block of 3 days off per fortnight,
 - Or a block of 6 days off every 28 days,
 - Or an alternative pattern as agreed by the workgroup.
- Overtime is defined as:
 - Hours in excess of the ordinary hours for the day.
 - Hours in excess of a 38-hour work week.

This Clause has no effect on shift allowances, weekend penalties, public holiday penalties, meal allowances, EDOs, or overtime worked in excess of a 38 hour week (or 76 hour fortnight).

The accrual and use of Sick Leave, Personal Leave, Annual Leave, and Long Service Leave will not be affected. *IF* you were to be on a 10 ordinary hours roster then leave would be paid out at 10 hours per shift instead of the current 8 hours per shift.

As discussed in negotiations a *Work Area* for the purposes of this clause is defined by both job role and primary work location. Each shared roster can be considered as its own defined work area. *i.e.* Geelong Booking Office, Geelong Conductors, Southern Cross Platforms, Southern Cross Booking Offices, Southern Cross Conductors, Staff Clerks, etc

This clause is designed as a flexible rostering arrangement which gives members more say and more choices over their rostering options.

This does not change any of the current rosters and will have no effect on future rosters unless the members want it too.

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The clause gives members across the network the opportunity to vary their work/life balance while maintaining a 38 hour week. It allows staff to work more hours in a day in exchange for more days off in the fortnight, and is designed to require V/Line to roster days off consecutively to improve the work/life balance of members.



It does not change the total number of hours you will have to work in a fortnight.

- You would have to be notified that there is a proposal to change the roster *and* that this would result in extended ordinary hours.
- You will have to be shown a roster before there is a vote.
- Members must be consulted with, and contribute, in the development of any proposal prior to it being voted on.
- You must then be given 14 days' notice to review any roster before it's voted on.

Unless a proposal is adopted by a local work group after undergoing the rigorous process; all conditions, penalties, and rosters will remain as they are underpinned by 8 ordinary hours as a default.

Individual and exceptional circumstances must be accounted for before any roster change.

There is also scope within the clause to return to the current standard 8 ordinary hours, as per part 56.4 of the clause. This sub-clause allows members the ability to change back to the current status (76 hours over 10 shifts).

The process for voting on this clause has not been specified. Traditionally it depends on the location and workgroup.

For the purposes of voting on a 10 Ordinary Hours Rostering Arrangement, you will be entitled to vote on the proposed roster if the change would affect you. This has been informally referred to as the local work group or work area.

The 75% applies to the affected members of the local work group. This means 75% of *all* affected employees must actually vote to introduce the change. Abstaining from voting would count as NO vote since acceptance is set at 75% of the workgroup voting YES.

The RTBU would dispute any votes that are called into question and given the ability of the local workgroup to build the proposal, we would push for a voting method desired by members.

Any change, or proposed change, can be disputed on multiple grounds.

Areas with significant crossover of rosters which tie into the train timetable will be difficult to implement such as Conductors & Drivers, however it remains an option that could be explored should members be interested.

This clause forms just one part of the EA and works in conjunction with other related clauses and conditions such as; Guarantee, Fatigue Management, Conductor Rostering Code, Consultation, Additional Shifts, etc.

