

Clause 3 Definitions (Shift Worker)

St John proposed clause changes.

Without Prejudice

St John propose the introduction of the 'shift worker' definition into Clause 3 and a result, propose revisions to clause 27.1:

3 Definitions

Shift Worker means an employee who is regularly rostered to work over 7 days a week and is regularly rostered to work on Sundays and public holidays. For the purposes of the National Employment Standards, Shift Workers are entitled to additional Annual Leave in accordance with clause 27.1 of this Agreement.

Clause 27.1 Annual Leave

- (a) Transport Officers working a roster outlined in APPENDIX 1 (other than casual employees) are entitled to:
- i) annual leave (or pro rata), subject to clause 27.1 (e), of four (4) weeks per year; and
 - ii) two (2) weeks' additional leave, as prescribed in clause 23.1 (a) (i) **Error! Reference source not found.** of this Agreement.
- (b) Mental Health Transport Officers (other than casual employees) are entitled to:
- (i) annual leave (or pro rata), subject to clause 27.1 (e) of four (4) weeks per year;
 - (ii) if the employee is a shift **employee worker** and is regularly required to work Sundays and public holidays, an additional one (1) week annual leave in lieu of regularly worked Sundays and public holidays for the purposes of the NES; and
 - (iii) one (1) week additional leave.
- (c) An employee working an alternative roster **from subclause 27.1 (a) or (b) above**, will have their annual leave entitlements calculated according to their hours of work and shifts in accordance with this Agreement and ensuring the entitlements are no less than the NES. This will provide:
- (i) annual leave (or pro rata), subject to clause 27.1 (e), of four (4) weeks per year; and
 - (ii) if an employee is a shift **employee worker** and is regularly required to work Sundays and public holidays, an additional one (1) week annual leave in lieu of regularly worked Sundays and public holidays for the purposes of the NES.
- (d) Annual leave/additional leave accrues progressively and accumulates year to year.
- (e) Employees are not entitled to accrue annual leave during any periods of unauthorised leave, leave without pay (including while on salary continuance), unpaid parental leave (including periods

covered by the Paid Parental Leave Scheme other than the paid parental leave period of 12 weeks as provided by St John in clause Error! Reference source not found., ~~or periods of approved workers' compensation.~~

- (f) Annual leave/additional leave will be taken in accordance with the Leave Roster, unless otherwise agreed between St John and the employee.
- (g) St John will as far as practicable attempt to accommodate requests for changes to leave, including requests for leave to be taken in periods of not less than 1 day.
- (h) When an employee takes annual leave as set out in **clause i)**, **clause (i)** or **(i)** above, the employee will be paid:
 - (iii) a loading of 17.5% calculated on the employee's weekly base rate of pay; or
 - (iv) where applicable, excess hours and shift penalties (as per **Error! Reference source not found.**);whichever is the greater for annual leave taken.
- (i) When an employee takes additional leave as set out in clause ii), clause (ii), clause (ii) or (i) above, the employee will be paid, where applicable, the excess hours and shift penalties.
- (j) Any accrued annual leave/additional leave which has not been taken will be paid to the employee upon termination of employment, including, where applicable, leave loading or excess hours and shift penalties.
- (k) **Except in the case of shift workers**, if a public holiday falls on a day the employee is on annual leave/additional leave the employee will not be deducted annual leave/additional leave for that day.
- (l) **An employee on annual leave/additional leave who has an entitlement to paid personal/ carer's leave, in accordance with clause 27.2 of this Agreement, and who within 14 days of resuming work produces to St John a certificate from a registered medical practitioner that would have entitled the employee to payment of personal leave had they not been on annual leave, shall be deemed to be absent from work through sickness for so much of that period as the employee would otherwise have been entitled to payment under clause 27.2.**
- (m) Where **clause 27.1 (l)** above applies, the employee will take the period deemed to be sick leave as annual leave/accrued days off at a time convenient to St John but on ordinary time, without the loading prescribed in clause **27.1(h)** above.