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Disturbance allowance arbitration

ADHSU is today appearing in an IRC [arbitration](#) arguing about the application of the (colloquially named) 'disturbance allowance' provisions of the award (section (23) (a) (i)).

You'll recall our [previous newsletter](#) on this subject, in which NSWAA agreed during an IRC [conciliation conference](#) that NSWAA is required to pay disturbance allowance on those occasions when a member is called while not on rostered on call, and does not accept the callout. They stopped short of agreeing that the payment should be made where the member also accepts the call out.

They see it as a double payment that could cost \$1M. That's a lot of non-rostered call outs.

Obviously, we do not agree with the government's view on the application of the disturbance provisions of the award. Disturbance allowance provisions of awards like ours are there to compensate members for being asked to respond while off duty and not on call. They are also there to financially warn off employers who would otherwise cease paying on-call allowance, and simply ring enough off duty staff in the knowledge that one of them will agree to the call out. It becomes too expensive if they have to pay an hour's pay each time they try their luck by calling off duty staff, and they might as well roster and pay members to standby for out of hours call outs.

We believe we have an arguable case and will report back once the decision is handed down.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes'.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD