

## Overtime meal allowance – when can you claim?

Dear Member,

One of the claims that the HSU made on behalf of members employed under the *ACT Public Sector Support Services Enterprise Agreement* is a choice of either a meal in the cafeteria or overtime meal allowance, when an employee is working overtime.

In discussions at the Support Services bargaining meeting it has been highlighted that the current provision in the Agreement does provide this choice when a meal cannot be obtained.

Sub-clause 10.4 of the *ACT Public Sector Support Services Enterprise Agreement* states:

*Where an appropriate meal is obtainable by the employee at a canteen, cafeteria or dining room conducted, controlled, or assisted by the ACTPS, the amount of meal allowance will be the maximum amount for which an appropriate meal is obtainable at the canteen, cafeteria or dining room. The rate payable under this clause is in substitution for the rate in Annex C.*

Therefore, if a meal cannot be obtained and an employee is working overtime in the circumstances set out in sub-clause 10.1 (see attached) they are entitled to the overtime meal allowance in Annex C. The rate is currently \$27.62.

At this stage ACT Health has not agreed to insert a provision in the Agreement to give an absolute choice, arguing that they have facilities to provide a meal. However, what has come out of the negotiations is that there are circumstances when you can claim the overtime meal allowance.

In unity,



Gerard Hayes  
Secretary, HSU NSW/ACT/QLD

## **C.10 OVERTIME MEAL ALLOWANCE**

### ***Eligibility for Meal Allowance***

- C10.1 An employee who works overtime is entitled to payment of overtime meal allowance where the overtime is worked:
- a) after the end of ordinary duty for the day, to the completion of or beyond a meal period, and any subsequent meal period, without a break for a meal; or
  - b) after the completion of the employee's ordinary hours of duty for the day, and after a break for a meal which occurs after that completion and where the employee is not entitled to payment for that break; or
  - c) before the commencement of ordinary hours of duty, and before a break for a meal which occurs after that completion and where the employee is not entitled to payment for that break; or
  - d) on a Saturday, Sunday or public holiday, in addition to the employee's normal weekly hours of duty, extending beyond a meal break and where the employee is not entitled to payment for that break.

### ***Meal Periods***

- C10.2 For the purposes of subclause C10.1 a meal period will mean the following periods:
- a) 7:00 am to 9:00 am;
  - b) 12 noon to 2:00 pm;
  - c) 6:00 pm to 7:00 pm; and
  - d) midnight to 1:00 am.
- C10.3 The rate of pay for overtime meal allowance is set out in Annex C.
- C10.4 Where an appropriate meal is obtainable by the employee at a canteen, cafeteria or dining room conducted, controlled, or assisted by the ACTPS, the amount of meal allowance will be the maximum amount for which an appropriate meal is obtainable at the canteen, cafeteria or dining room. The rate payable under this clause is in substitution for the rate in Annex C.