

## Nepean Private Hospital: Introduction of Time In Lieu of Overtime (TOIL)

Dear Member,

The HSU has received notification from Nepean Private Hospital management regarding the introduction of a Time In Lieu of Overtime system (or TOIL). The correspondence is attached for your information.

If you have any questions or feedback regarding this correspondence, please contact your local HSU Organiser Gail Owens on 0448 110 086 or email [gail.owens@hsu.asn.au](mailto:gail.owens@hsu.asn.au).

Please distribute this newsletter to your work colleagues for their information and comments.

Not a member of the HSU? Now is time to join and have your say! You can join online at [www.hsu.asn.au/join](http://www.hsu.asn.au/join) or call 1300 HSU NSW and join over the phone.

In unity,



Gerard Hayes  
Secretary, HSU NSW/ACT/QLD

## MEMORANDUM

DATE: 22 October 2018

TO: Operating Theatre Anaesthetic Technicians, Porters, Scope and CSSD Technicians – Nepean Private Hospital

FROM: Simon Rodger, General Manager

CC: Jill McEvoy-Williams, Director of Nursing

SUBJECT: INTRODUCTION OF TIME OFF IN LIEU (TOIL) OF OVERTIME PROGRAM WITHIN THE OPERATING THEATRE COMPLEX INCLUSIVE OF ENDOSCOPY UNIT STAFF.

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Dear Staff

In recent times we have been consulting with Theatre Nurses and Anaesthetic Technicians about working arrangements at Nepean Private Hospital.

Through these consultations we have received feedback that some staff would prefer, in lieu of being paid for approved worked overtime, to accumulate additional hours for use during quieter periods in our operation (e.g., school holidays, Christmas/ New Year).

As you may be aware, this arrangement of effectively swapping worked approved overtime for additional paid time off at a later date is typically called – Time in Lieu of Overtime, or TOIL.

Suggestions to be considered:

Accrue TOIL for recall hours worked - *this will be an option in the new process, please ensure you clearly specify this option when advising managers of your preference*

Time for accrual leading into Christmas/New Year - *implementation November 2018*

Payslip to advise accrued TOIL hours - *this will appear on payslips*

To this end, we are proposing to introduce within the Operating Theatre a trial TOIL system using the following guidelines. To be eligible and participate in the trial TOIL system you will need to sign your agreement to the attached guidelines. Please return this signed agreement to Gail Northam or Amy Glew (Executive Assistant).

The TOIL system will be available from 5 November 2018 until 31 January 2019 and only on receiving your signed agreement to the TOIL process guidelines.

We advise that in implementing the TOIL system within the defined guidelines that the accrual of TOIL may be ceased at any stage where it is deemed not to be meeting operational requirements. If the TOIL system is ceased any TOIL accrued will be paid directly to the employee as per the Healthscope – NSW – Health Professionals & Support Services Agreement 2017-2021.

If you have any questions about this program, then please see Jill McEvoy-Williams or Karen Burns.



Thank you once again for your ongoing support for our patients.

Yours sincerely



Simon Rodger  
General Manager  
Norwest Private Hospital

#### TIME IN LIEU OF OVERTIME (TOIL) PROGRAM GUIDELINES

##### GENERAL

- The TOIL system will be introduced from 5 November 2018 until 31 January 2019. The TOIL program guidelines may be amended from time to time.
- All TOIL arrangements will comply with Clause 5.6, and other relevant provisions, of the Healthscope – NSW – Health Professionals & Support Services Agreement 2017-2021.
- Subject to actually working approved overtime, the TOIL system is available to all full-time and part-time Anaesthetic technicians, Scope and CSSD Technicians, porters who work in the operating theatre complex.
- TOIL can only be accumulated where Overtime is requested and approved by the Hospital. If staff are not requested to work much or any Overtime, then it will be difficult to accumulate much or any TOIL.
- Participation in the TOIL system is voluntary. Payment for Overtime worked will continue to be the default arrangement unless the staff and the Hospital agree to accrue TOIL.
- It is possible for a staff member to opt out of the TOIL system at any time by providing 14 days written notice to the Hospital.
- The hospital reserves the right to cease the TOIL system if this process no longer meets operational requirements. If this occurs all accrued TOIL will be paid directly to the staff as per the Healthscope – NSW – Health Professionals & Support Services Agreement 2017-2021.

### **ACCUMULATING & RECORDING OF TOIL**

- Accumulation of TOIL may only occur with the prior agreement of the General Manager of the Hospital, or their delegate.
- The election to accumulate TOIL may be made by completing the form 'Request to Participate in the TOIL Program' (see attached) and return this form to the Hospital.
- Anaesthetic Technicians, Porters, Scope and CSSD Technicians approved to be part of the TOIL program will have worked overtime, in lieu of payment, accumulated as TOIL.
- TOIL will accumulate at overtime rates in accordance with the Enterprise Agreement (i.e., 150% for the first two hours and 200% thereafter for Monday – Saturday, 200% for Sundays and 250% for Public Holidays).
- TOIL will be recorded via Kronos and TOIL balances will also be available in Kronos.
- TOIL hours may be accumulated up to a maximum 38 hours for full-time staff (i.e., the equivalent of one week's work) and pro rata for part-time staff (e.g., a part-time staff who works 20 hours per week, may accumulate up to 20 hours TOIL).
- Recall hours may be nominated by the Anaesthetic Technicians, Porters, Scope and CSSD Technician's staff to be accrued as TOIL.

### **TAKING TOIL**

- TOIL can only be taken at times agreed by the Hospital.
- Anaesthetic Technicians, Porters, Scope and CSSD Technician's staff will follow requests by the Hospital to take TOIL. For clarity, during periods of low activity, the hospital can direct staff to take TOIL and that direction cannot be refused. Failure to adhere to this request may result in cessation of this agreement for you and your ability to participate in the TOIL program.
- In line with the terms of the Enterprise Agreement, if the TOIL is not taken within four months, then the accrued TOIL balance will be paid out at the applicable overtime rates.

### **INTERACTION OF TOIL WITH ANNUAL LEAVE**

- The TOIL system has been introduced following advice that sometimes staff have insufficient accrued annual leave to enable them to take paid leave during periods of low activity in the Hospital.
- The introduction of TOIL is not designed to be a mechanism for staff to accrue extra leave to bank for a holiday, but rather a mechanism to manage the ebb and flow of theatre activity and staff's requests for occasional hours to meet personal appointments/commitments.
- Accordingly, Anaesthetic Technicians, Porters, Scope and CSSD Technicians may generally only participate in the TOIL program where their annual leave balance is below the equivalent of

- four (4) weeks' accrued annual leave. In line with the terms of the Enterprise Agreement, the Hospital reserves the right to direct Anaesthetic Technicians, Porters, Scope and CSSD Technicians to take annual leave.

#### **PAYOUT OF TOIL**

- Unless expressly agreed otherwise, any Overtime worked in excess of a TOIL balance of 38 hours (or pro-rata for part-time staff) will be paid at Overtime rates in accordance with the Enterprise Agreement.
- The Hospital reserves the right to pay out accumulated TOIL in lieu of the Anaesthetic Technicians, Porters, Scope and CSSD Technicians taking additional time, even when the TOIL balance is below the nominated limit or has been accumulated for less than four months.
- In the event of termination/resignation any outstanding TOIL balance will be paid out.

**REQUEST TO PARTICIPATE IN THE TOIL PROGRAM**

I \_\_\_\_\_ (insert name), request to become involved in the Time Off in Lieu of Overtime program being operated by Nepean Private Hospital.

I understand that this program is available to Anaesthetic Technicians, Porters, Scope and CSSD Technician's and is being implemented from 5 November 2018. I agree to participate in this program based on the TOIL Program Guidelines as specified in the memo dated 22 October 2018.

Anaesthetic Technicians, Porters, Scope and CSSD Technician's staff will follow requests by the Hospital to take TOIL. For clarity, during periods of low activity, the hospital can direct staff to take TOIL and that direction cannot be refused. Failure to adhere to this request may result in cessation of this agreement for you and your ability to participate in the TOIL program.

I understand that I can elect to discontinue my involvement in the TOIL Program by providing 14 days written notice to the Hospital.

\_\_\_\_\_ (signed)

\_\_\_\_\_ (dated)

Please return this completed form to Gail Northam / Amy Glew (Executive Assistant) in person or via email, [NEP.Executive@healthscope.com.au](mailto:NEP.Executive@healthscope.com.au), any queries (02) 4725 8600.