

Sexual Assault Workers: On Call and Call Out Allowance

Dear Member,

On Friday 15 August a decision was handed down by the Industrial Relations Commission of New South Wales (the Commission) in relation to a dispute about when Sexual Assault Workers are entitled to be paid the call out allowance provided in the *Public Hospitals (Professional and Associated Staff) Conditions of Employment (State) Award 2018*.

In this dispute, the Union argued that Sexual Assault Workers are entitled to be paid the call out allowance from the time that they receive a notification that results in them being required to return to duty, until the time that they return home (including travel time).

The Ministry of Health argued that Sexual Assault Workers are only entitled to be paid the call out allowance for the time that they physically attend the hospital or health service.

The Commission found that:

1. Sexual Assault Workers **are not** entitled to be paid the call out allowance from the time that they receive a notification that results in them being required to return to duty; however
2. Sexual Assault Workers **are** entitled to be paid the call out allowance for time spent travelling between their home and the hospital or health service (this includes both travel from home to the hospital and from the hospital back home again); and that
3. Sexual Assault Workers **are** also entitled to be paid the call out allowance for time spent at the hospital or health service.

The effect of the decision is that where a Sexual Assault Worker who is on call receives a notification that requires them to attend a hospital, any 'intake' calls performed at home before departing will not attract the call out allowance (the Commission found that this was part of providing a telephone counselling service and therefore covered by the on call payment). The call out allowance is paid from the time that the Sexual Assault Worker starts travelling to the hospital until the time that they arrive back home.

A full copy of the decision can be found here:

<https://www.caselaw.nsw.gov.au/decision/5d51fa1ae4b0c3247d71113c>

The Union is currently reviewing the decision and how it will impact on members.

If you are a Sexual Assault Worker, you can help by completing the survey at <https://www.surveymonkey.com/r/saw-oncall-callout>.

If you have any questions or comments, please contact Brendan Edghill by calling 1300 478 679 or by emailing the above email address.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes', with a long, sweeping underline.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD