

Know your rights: Overtime versus Time in Lieu

Dear Member,

An important function of the Union is to educate our members about their entitlements and rights under their award, as well as enforce these rights if they are breached by the employer.

As we have been surveying and speaking with members on the Central Coast the question about overtime versus time in lieu (TIL) has been raised a number of times. In order to address these concerns we have outlined your rights, in general terms, under the Award.

Firstly, if you are required to work or directed to work any time outside your rostered shift, you should be paid overtime. If urgent work is required to be done which results in you staying past your rostered finish time, you need your manager's approval.

If your manager does not approve you to stay back and be paid overtime, you are under NO obligation to stay back.

Once overtime is worked, the relevant Awards stipulate the rates of pay that apply. There are some slight differences between the different Conditions of Employment Awards – for more information you can contact our Member Services Division on 1300 478 679.

Under the Awards, there is provision for employees to be compensated by Time In Lieu (TIL) with the following provisos applying:

- (a) Time off in lieu must be taken, within three months of it being accrued, at ordinary rates.
- (b) Where it is not possible for an employee to take the time off in lieu within the three-month period, it is to be paid out at the appropriate overtime rate based on the rates of pay applying at the time payment is made.
- (c) The accrual and taking of time in lieu of overtime will be conditional on mutual agreement of the employee and the respective manager.
- (d) Records of all time off in lieu owing to and taken by employees must be maintained by the employer.
- (e) The parties recognise that the option of time off in lieu of overtime will not be possible in all settings and circumstances. Where it is not possible, overtime payment provisions will apply.

- (f) The parties agree to work together to establish strategies, policies and procedures to maximise the use of time in lieu and opportunity for time in lieu to be taken within the specified three-month period.

The most important point is that TIL is conditional on mutual agreement between you as an employee and your manager. This means it is YOUR choice to paid at overtime rates or to accrue TIL.

If you are member of the HSU and having difficulties with getting paid overtime, please contact your Organiser Brendan Roberts on mobile 0425 181 361 or email brendan.roberts@hsu.asn.au for help to enforce your Award entitlements.

Having issues and not a member? Join today at www.hsu.asn.au/join. We can only help members enforce their rights.

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