

ANMF (VIC BRANCH)

Newsflash

Special newsflash for public sector nurses and midwives



30 May 2022

Worked it? Claim it! – Meal breaks

With the immense pressure in our public health services at the moment, many members are reporting missing meal breaks, working unpaid overtime, and having their rosters change at short notice.

The 2020-24 Victorian public sector nurses and midwives EBA contains provisions that address these, but regrettably unless you claim it, it appears you are not going to always receive those benefits.

Examples of how to make a claim can be found here <https://anmfvic.asn.au/underpayment>

Missing a meal break?

1. Firstly, the rosters clause requires that the times for meal breaks are included on the roster. A ward might have two or three meal break times for each shift, and each nurse or midwife should be allocated to one of those established meal break times. This becomes your 'scheduled meal break'. This is to avoid an argument that if you were too busy to take a break that was your problem.
2. Secondly you cannot be required to stay on the ward/unit for your unpaid meal break. That triggers a requirement that the break be a paid break.
3. Thirdly, if you miss out on your 'scheduled meal break' on occasions, there is an escalation process to be followed to both address the delayed meal break and make systemic changes to avoid it happening again.
4. Finally, the 'crib time' provision from the earlier EBAs (and indeed from the Award of the 1980s) has changed from "may" to "will" operate. If you regularly miss out on your break, then you must get a **paid** meal break of at least 20 minutes between 3 and 5 hours of commencing your shift.

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary

Write to your manager and payroll office

If you believe you are entitled to paid meal break and you have not been paid, make sure you raise the matter with your manager and payroll in writing, so you have a record.

The following is an example of a first email re meal breaks

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To: "immediate manager" "Payroll"

cc: records@anmfvic.asn.au

Re: Underpayment of wages

I write to formally request that I receive payment for meal breaks that I believe I am entitled to.

In pay period ending xx/xx I <<worked through my scheduled meal breaks>> or <<was directed not to leave the ward during my meal break>> due to how busy the ward was on the following shifts:

<<insert shift dates>>

I request that this underpayment be rectified as soon as possible. I am happy to meet at a mutually acceptable time, accompanied by the ANMF Organiser, should you require this.

<<Name>>, <<employee number>>

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If you don't receive a positive response – or indeed any response – please send a second email along for example as follows:

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To: "HR manager" "Payroll Manager"

cc: records@anmfvic.asn.au

Re: Underpayment of wages

I write further to my email of xx date to formally escalate my request that I receive an offline payment to rectify an underpayment I am owed.

I requested that this underpayment be rectified within 7 days. I am happy to meet at a mutually acceptable time, accompanied by the ANMF Organiser, should you require this.

<<name>>

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If you don't receive a positive response – or indeed any response – please notify ANMF via anmfvic.asn.au/memberassistance (scroll down for button to login).