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fact sheet

Telstra Emergency Duty and On Call

Make sure you know your rights and the difference between Emergency Work ("Recall"), On-Call, Emergent Call and Immediate Call.

Emergency Work ("Recall")

This is paid if no notice of return to work is given prior to ceasing duty on ordinary shift and an employee is not being paid an Essential Customer Servicing Allowance (ESC) (see below):-

Minimum payment, irrespective of when the recall is worked, is three hours at double time and payment includes travel time to and from duty. The "double time" rate applies even if you are recalled on a public holiday and is not discounted by ordinary salary entitlements in these circumstances. (Full details are provided in Clause 18 of the Telstra General Conditions Award 2001)

18. EMERGENCY WORK

18.1 Where an employee is called to work to meet an emergency at a time when they would not ordinarily have been at work, and no notice of such call was given to them prior to their ceasing work on ordinary hours, he/she will be paid for such emergency work at the rate of double time. The time for which payment will be made will include time necessarily spent in travelling to and from work. The minimum payment under this clause will be three hours at double time.

relieved from working his/her next ordinary rostered work period, without deduction from salary. Such period of relief will neither exceed the number of hours of emergency work nor extend into a second ordinary rostered work period.

18.3 This clause will not apply to an employee whose work for the day is varied by alteration of the commencement of the scheduled ordinary rostered hours to meet an emergency.

18.2 A manager may decide, for health reasons, that an employee who has undertaken emergency work is to be

Performing Duty at Home (e.g. Telephone Advice) when *not* scheduled on Essential Customer Servicing (see below):-

If you are not scheduled in accordance with Essential Customer Servicing (ECS) arrangements but are contacted to perform duty at home, you will be paid double time for actual time worked, subject to minimum payment of one hour at double time. Duty at home can be by remote access or providing advice via the telephone. (See Schedule B "ALLOWANCES" of the Telstra Enterprise Agreement 2005/2008 Clause 3.B.2, or Telstra General Conditions Award 2001 Clause 22.4.4 and 22.7 to establish your right to be paid for Telephone advice after hours.)

Essential Customer Servicing (ECS)

Essential Customer Servicing requires Telstra to pay an employee for being available for after hours "Call Outs". The amount of payment is determined by the "restriction" placed on the employee. It is common for Telstra Managers to

attempt to place a high level on restriction on an employee after hours and not pay the highest rate of ECS i.e. "Immediate Call" of \$6.75 per hour, when off duty.

Essential Customer Servicing – "On-Call" – Lowest level of after hours restriction and lowest payment (only **\$7.96 per night and \$18.36 per day and night**).

If you receive an "On-Call allowance you are only required to remain contactable and available within a reasonable time to return to work.

"Remain Contactable" means exactly what it says, for example, all an employee needs to do is to remain in a mobile telephone or pager network area with the relevant equipment operational.

There is no restriction on private travel away from an employee's home or town etc.

Return to work in a "reasonable time" again means exactly what it says, there is no time limit and any return to work must also take into account where the employee is and what they are doing when contacted.

For example, if you happen to be some distance away from your work site at the weekend on a family outing, all this must be taken in account when determining what is a reasonable time for you to return to work. However, being "available" does mean that you are in a fit condition to return to work.

[Note: For clarification on Telstra's published view on "remain contactable" and "available" see Telstra's Q's and A's – 7, 8 and 9 attached to this CEPU Fact Sheet.]

The "On-Call" allowance payment is only **\$7.96 per night and \$18.36 per day and night** and for this payment employees are not expected to put themselves under "house arrest".

If Telstra sets time limits for a return to work, an applicable allowance would have to be paid under the "Emergent-Call" or "Immediate Call" conditions which pay a much higher allowance than "On-Call". (See below)

Essential Customer Servicing – "Emergent-Call" – Medium level of after hours restriction. **Payment is \$15.91 per night and \$36.60 per day and night.**

Employee being paid "Emergent-Call" are required to "be available" and "ready to return to work" within 30 minutes. This does not mean you are required to be on duty within 30 minutes or that you are required to be "ready" at your home. It only requires you to be able to start travelling to work (or attempting remote access) within 30 minutes from where ever you are when you receive the call to return to work.

Essential Customer Servicing – "Immediate-Call" – Highest level of after hours restriction. Payment is \$6.73 per hour (e.g. 15 hours between shifts would pay 15 x \$6.73 or \$100.95)

You are required to remain within the vicinity of your home and be in a position for an immediate recall to work.

Performing Duty at Home (e.g. Telephone Advice) when scheduled on Essential Customer Servicing

If you are scheduled in accordance with Essential Customer Servicing (ECS) arrangements but are contacted to perform duty at home, you will be paid overtime for actual time worked, subject to minimum payment of one hour at overtime rates. Duty at home can be by remote access or providing advice via

the telephone. (See Schedule B "ALLOWANCES" of the Telstra Enterprise Agreement 2005/2008 Clause 3.B.2, or Telstra General Conditions Award 2001 Clause 22.4.4 and 22.7 to establish your right to be paid for Telephone advice after hours.)

Rest Relief

If you are required to work for more than three hours (including Travelling Time) between periods of ordinary duty without a ten-hour break, you are entitled to Rest Relief. The conditions for rest relief are contained in Clause 14 of the Telstra Enterprise Agreement 2005-2008 and are printed below.

Clause 14 Rest Relief – Telstra Enterprise Agreement 2005-2008

14.1 An employee will have at least 10 consecutive hours off work (inclusive of reasonable travelling time) between periods of ordinary hours work.

14.2(a) Where an employee works overtime between periods of ordinary hours work, they will have 10 consecutive hours off work between these times, before commencing the next period of ordinary hours work, without loss of pay.

14.2(b) If an employee is required to resume or continue work without having 10 consecutive hours off work, they will be paid at double rate

14.3

until you cease that period of work, and they will then be eligible to be absent from work until they have 10 consecutive hours off work, without loss of pay for any ordinary hours work scheduled during that absence.

Notwithstanding the provisions of clause 14.2 above, where overtime is worked under the relevant Award Emergency Duty provisions, rest relief will only apply when the time worked is at least three hours (including travelling time) on a call.

14.4

The provision of this clause does not apply where an employee wishes to change their scheduled shift, and their manager agrees to the change.

Telstra "On-Call" Rosters Only To Be Introduced Where Necessary And After Full Consultation With Employees

Consultative Process with Employees – "A Must"

Documents presented by Telstra to the Australian Industrial Relations Commission (AIRC) for settlement of the dispute with the CEPU, in July 2004, provide a detailed consultation process that should be applied before any "On-Call" rosters are introduced.

Part of this consultation process requires the local Manager to first justify the need for "On-Call" rosters and then to **reasonably** consider any employee's request not to be included on an "On-Call" roster. Some of the issues that must be reasonably considered by the local Manager are:

- (i) any risk to the employee health and safety;
- (ii) the employee's personal circumstances including any family responsibilities;
- (iii) the needs of the business and our customers;
- (iv) any other relevant matter.

In addition, a Manager must consider these same issues as a reasonable explanation if an employee is not able to attend to an on call request, when they are on a roster.

If You Are On A Roster, Can You Be Compelled To Go On A Call Out?

No! As stated above a Manager must consider your health and safety risks and personal circumstances including family responsibilities and other relevant matters.

If you do not attend you will not be paid the "on call" allowance for the day or night and reasons based on the items listed above must be given.

Is Your Local Management Following the Procedures Telstra Provided to the AIRC?

To assist the CEPU to enforce its agreements with Telstra, members are asked to examine the On-Call/Recall Consultation Process attached to this CEPU Fact Sheet and immediately report to the CEPU, any examples of where they are not being followed i.e. copies of Telstra emails or reports on statements made at Team Briefs, etc. Notes on statements made at Team Briefs, etc. should include date, time, name of Telstra Team Leader/Manager and as near as possible the precise words that were used. See CEPU contact details printed at the end of this Fact Sheet and the CEPU will not divulge the source of the information.

Significant Changes to Original Telstra Proposals

The original procedures announced by Telstra in 2003 and early 2004 [and their Question and Answer (Q and A) information sheets] were considerably modified in the documents submitted to the Australian Industrial Relations Commission (AIRC) in July 2004. These documents were presented to the AIRC by Telstra as a result of a dispute notified to the AIRC by the CEPU.

An illustration of Telstra's modified position is provided in a number of the July 2004 Telstra Q's and A's.

Question Is every team in Regional Service to have "On-Call" rosters?

Telstra's Answer

No. Not every team is being considered for on call rosters. Only those areas where we have particular customer service issues are in scope.

Question Is it mandatory for me to go on to a roster under "On-Call" arrangements?

Telstra's Answer

No. As we have stated above, not every team is being considered for on call rosters. Even, for those employees who are in scope for on call rostering, we recognise that the personal circumstances of all employees, is different. This will need to be considered as part of making the decision about who goes on to any roster.

Question What is the process to put in place an on-call roster?

Telstra's Answer

The process of developing an on-call roster includes:

- Identifying a need for an on-call roster in a team or area. Not all areas need to use any form of rostering.
- Identifying employees who may be affected by proposed changes.
- Consulting with employees individually.
- Reviewing all circumstances that may affect employee involvement.
- Taking a flexible approach to rosters and their creation and management
- Reviewing effectiveness and monitoring rosters.

Managers will take into account any risk to employee health and safety, the employee's personal circumstances including any family responsibilities, the needs of the business and our customers and any other relevant matter when developing the rosters.

If Consultative Processes Are Not Observed By Management

If local Telstra Management fails to consult with employees in the terms of the documents that they provided to the AIRC, the circumstances should be reported immediately to the CEPU (see above paragraph: **Is Your Local Management Following the Procedures Telstra Provided to the AIRC?**)

The documents provided by Telstra to the AIRC are available on our web site www.cepu.asn.au . Please ensure they are followed by your local Management (or Team Leader) before any "on-call" rosters are introduced