



POLICY – 5.5 Emergency Services – Call Outs Affecting Work Hours

Relevant Delegation

N/A

Objective

This Policy is intended to ensure that employees are not penalised for volunteering for emergency services or Defense Reservists.

Policy Statement

Employees may be involved in the Volunteer Emergency Services Unit or St John's Ambulance or may be Defense Reservists and can be called out to attend an emergency during or after work hours.

1. The National Employment Standards Division 8 Community Service Leave applies, and the following provisions are in addition to the NES where appropriate.
2. So as not to penalise them for their contribution to the community, employees are permitted to leave their workplace to render voluntary emergency assistance to a fire brigade, ambulance service or the FESA, without deduction from that employee's pay whilst so absent on such voluntary service during ordinary time, subject to the following conditions:–
 - i. The emergency service is a bona fide organisation, properly constituted for its function and the employee is a registered member of that organisation;
 - ii. The employee recognises and acknowledges that upon leaving his/her workplace, the duty of care of the local government is suspended until such time as he/she returns to the workplace, and that whilst absent he/she is not afforded the protection of the local government's workplace insurances;
 - iii. The local government is indemnified against any claim which may arise by the employee out of his/her voluntary activities;
 - iv. Payment of wages is only applicable for the normal ordinary hours of work during which the employee is absent and engaged in the voluntary emergency service;
 - v. An employee shall not leave their place of employment without notifying their immediate supervisor of departure and indicative time of return. Except as provided by the Award, there is no automatic right for an employee to leave the workplace but approval should not be unreasonably withheld.
 - vi. Approval may be withheld in circumstances such as –
 - to ensure a worksite is left safe
 - if the staff member may be required by the Shire to respond to the emergency in a Shire capacity, e.g. loader operator or administrative support

3. Where the employee is called out on a weekend or overnight, the principles of the Award requiring a minimum time off of 10 hours are to apply.

Example – if after a callout, the employee does not get back to town until 2.00am, they are not expected to commence work until midday, thus giving them a break of 10 hours. As the works crew commences work at 7.00 am, the time between 7.00am and midday would be paid as though worked.

4. Where employees may be called out for other emergency purposes (e.g land search, flood evacuation etc), the Chief Executive Officer is to make a determination as to whether the principles of this policy, are to apply.
5. Should the Chief Executive Officer withdraw or stand-down employees, this does not prevent the person continuing as an unpaid volunteer in their private capacity.
6. For the purposes of this policy, ordinary working hours shall be the time ordinarily worked including standard overtime arrangements
7. Employees involved in Defence Reservists activities shall be entitled to paid leave and top up pay to cover any differences between their military pay and their civilian pay.

– End of Policy

COMMENT

Formerly	5.10	
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