

Know your Rights: Availability and Recall

IN MANY parts of the public sector there is a need for the services Tasmanians rely upon to be available outside of regular 9-5, Monday to Friday work patterns. In some situations this requires staff to work on shift arrangements but in many other cases it is addressed through availability and recall. An employer may require an employee to be available to resume duty outside their normal hours. This is usually done through a roster but it may also be done by way of direction. An employee required to be available must remain fit for duty, contactable and able to resume duty. In return for being available to resume duty an employee is entitled to an availability allowance.

What right or benefit does the clause provide?

An employee is to be paid \$3.15 per hour for each hour they are required to be available, and availability allowance is to be paid for a minimum of 8 hours per day. While \$3.15 an hour doesn't sound much it can add up, for example: Tim is rostered on to be available 24/7 for an entire week, therefore Tim is entitled to receive availability allowance for all the hours outside his regular working hours: as there are 168 hours in a week, $168 - 36.75 = 131.25$ hours, $131.25 \times \$3.15 = \413.50 in availability allowance for that week.

An employee on availability who is required to return to work or perform work from home during this period is entitled to a recall payment. For those required to leave their home and attend work this is a minimum payment of 3 hours at the overtime rate (for TSSA employees) or 4 hours at the overtime rate (for HAHSA employees). Those who are able to respond to the issue without returning to their workplace are paid the appropriate overtime rate for a minimum of 1 hour. There are some special circumstances that apply to employees on higher classifications and some groups have specific availability/recall Agreements so it's worth checking the relevant Award or Agreement.

What do you have to do to be eligible?

Subject to a few exceptions, if your employer requires you to be available for recall to work or to respond to calls or emails out of hours, then you should be paid an availability allowance. If this is not happening there you should ask why or talk to your union.