

# Recall and On-Call

## Factsheet and Frequently Asked Questions



### Recall and On-Call

The requirements for nurses and midwives under the General Agreement 2024-2028 for the purposes of On-Call and Recall are outlined on Page 93 of the Agreement; [Nurses & Midwives \(westernhealth.org.au\)](https://westernhealth.org.au)

In the 2024-2028 Agreement, in clauses 50 and 51, there have been changes to the way recall and On-call is paid depending on when the on call was rostered and how and when the employee is recalled to work. This includes whether on-call staff are required to physically return to the workplace or not, and if they enter a period of on-call at the end of a rostered shift.

This requirement is explained at Clause 50.7 – Emergency on-call/recall for a case/list that over-runs, that causes the rostered shift time to exceed 90 minutes after the expected finish time, for example an emergency case in theatre or the Cardiac Catheter Laboratory.

Manager should be mindful of fatigue management requirements when rostering periods of on-call rolling on from ordinary rostered shifts.

### Payment of on-call and recall

**Each period of On-Call covers a shift up to 12 hours in length. On-Call rostering for longer than 12 hours requires a further period of payment.**

On-call rostering is not pro-rata, so if the on-call period lasts for less than 12 hours, the full on-call penalty is still payable.

In the 2020-2024 General Agreement, there was a single rate for each period of on-call.

**In the 2024-2028 agreement, there are now FOUR tiers for periods of on-call, each at different rates. The definitions are described under the Overtime Rates on page 91. These are:**

- Weekday On-Call (Monday to Friday)
- Weekend on-call (Saturday and Sunday)
- Public Holiday on-call
- Weekend Public Holiday on-call (for example when Christmas Day falls on a Saturday or Sunday)

### Which tier is paid?

Periods of on-call are paid at the relevant tier, depending on the day, and if it is a gazetted public holiday.

**If an on-call period goes across two different rates, the entire period is paid at the higher rate.** For example, if a theatre nurse is rostered on-call for the period over night Friday into Saturday morning, the entire on call period is paid at the weekend rate. If they are also on call during the Saturday then a second period of on-call is paid because of exceeding 12 hours in their period of on-call.

If a nurse or midwife is rostered on-call for an entire weekend then multiple periods of on-call are payable, each up to 12 hours.

## Examples

- ***An employee is rostered on call for the period 6pm Friday to 6am Saturday. What rate applies?***

It's a twelve-hour period, meaning that one on call payment is made. The on-call period spans two days with two different rates. The Saturday rate applies as it is higher than the Friday rate.

- ***An employee is rostered on call for the period 6pm Friday to 6am Saturday and the Friday is a public holiday. What rate applies?***

As per the previous example, it's a 12-hour period, so there's one on call period to calculate. Higher rates apply for public holidays than for Saturdays so the on-call period would attract the higher public holiday payment.

- ***An employee is rostered on call for the period 6pm Friday to 6am Sunday. What rate/s apply?***

In this example, the period exceeds 12 hours. Each on call payment should be calculated in accordance with the rule at 33.2(e). In this instance:

- For the period from 6pm Friday to 6am Saturday, the Saturday rate applies to that period,
- For the period 6am Saturday to 6pm Saturday, the Saturday rate applies.
- For the period 6pm Saturday to 6am Sunday, the Sunday rate applies.

- ***Why pay the higher rate for the entire period?***

This avoids the need to split an on-call period. A similar approach is taken in the underpinning Award.

- ***What if a person is on call over a weekend, starting on Friday and ending on Monday morning?***

This scenario involves multiple periods of on call. The rate for each on call payment should be determined based on the period it covers.

- ***Does the highest rate apply across the whole weekend?***

No. You determine the correct payment for each on call period.

- ***How does this differ from the previous agreement?***

Under the previous agreement, separate on call payments would be made for each 12-hour period or part thereof. The difference now is that the relevant rate for each of those periods needs to be identified.

## Public holidays

The Agreement contains terms about public holidays, including circumstances where certain holidays, like Christmas, fall on a weekend.

Subclause 56.3 concerns public holidays and deals with application of penalty rates where – for example – there are two Christmases because one falls on a weekend. Specifically, that a person will receive **public holiday penalty rates for working the actual or substitute day but not both**.

The effect of clause 56.3 is to provide an exception for the penalty rate for time worked. However, clause 33.2 regarding on call rates is not subject to the same exception and the public holiday on call rate would be relevant to each public holiday, including the additional day.

## Inclusions

Time spent travelling to and from the workplace for on-call duties is deemed to be time worked.

A minimum of three hours' pay will be paid, even if the work recalled to perform is completed in a shorter timeframe.

## Recall without attending the Workplace

Some on-call duties can be completed through online or telephone responses. Staff will be paid a minimum of 1 hour at the applicable overtime rate for each occasion. Multiple calls within the hour do not attract multiple payments.

There are further details and requirements for multiple calls completed on page 94, under Clause 51.

## Hours clear after on-call

After being recalled, employers must ensure staff have **10 consecutive hours off duty before resuming work**, without any loss of pay of their usual ordinary hours. This includes recall without return to the workplace for duties that are undertaken remotely.

## Where to find more information

The Nurses and Midwives Enterprise Agreement 2024-2028 can be found at: [Nurses & Midwives \(westernhealth.org.au\)](https://www.westernhealth.org.au)

Guidance can be provided by your Divisional Director of Nursing & Midwifery, or People & Culture Business Partner.