



MEMBER UPDATE

AFPA Industrial Dispatch #25 7 February 2018

Welcome to edition 25 of the AFPA Industrial Dispatch, a regular bulletin from the Legal and Industrial Team to keep our members up to date with significant industrial issues.

CURRENT SIGNIFICANT ISSUES

AFPA Support during meetings and interviews – interstate members

The AFPA can still provide support to you during meetings and interviews if you are not based in Canberra.

We have delegates stationed in workplaces around Australia. They can provide support to you during Professional Standards interviews and assist with both informal and formal discussions between you and your supervisors. This includes issues relating to performance, leave, working patterns, workplace investigations, and bullying and harassment matters.

If members outside Canberra require assistance with any type of employment matter, contact our team and we can arrange for a workplace delegate to provide you support.

Claim for time off work to attend medical appointments

We are often asked about attendance at Comcare related medical appointments during work time. Comcare has advised that there is no legislation that covers this, nor are there strict rules. The key factor, they advise, is “reasonableness”, with each case being assessed on its own merits.

Best practice is to discuss these situations very early in your case, especially when rehabilitation programs are being developed, with your rehab case officer and your team leader.

It is understood that on some occasions, no other appointment time is available other than during your normal working hours. It may then be possible to adjust your hours with your team leader’s agreement.

For example: If you are on a Graduated Return to Work (Monday, Wednesday and Friday for 6 hours each day) and you attend a medical appointment during your scheduled hours of attendance, Comcare suggest that the time out for the appointment is seen as a break and you should return to work to complete your 6-hour day.

Comcare further advise that members should be encouraged to undertake treatment on the days that

you are not at work. If that is not possible, before or after work should also be considered.

However, if the interested parties attend a medical appointment for the purposes of establishing/amending a Return to Work plan during work hours, this medical appointment is directly related to your rehabilitation program. This is considered work/rehabilitation participation and should be funded through your claim.

It is not possible to cover every likely rehabilitation scenario that members may experience, so if you have concerns about attending medical appointments or treatment, during your work hours, please contact Comcare, your AFP Rehabilitation Case Manager or the Team for further advice.

Flex-time/TOIL

Those who are assigned to the Support Working Pattern are reminded that they are not entitled to be paid overtime if they exceed their daily, weekly or six month averaging period working hours. However, you are entitled to 'flex-time' or 'time off in lieu' (TOIL) under clause 21 (see subclauses (6) to (20)) of the Enterprise Agreement.

We strongly recommend those on the Support Working Pattern ensure they apply for flex-time/TOIL when they are eligible. Failure to claim flex-time/TOIL would be selling your labour short and disregarding entitlements which are designed to protect employees from undertaking un-paid work.

People Strategies re-structure

The AFPA Legal and Industrial Team has received advice that up to 3 teams will be restructured in 2018. The restructures are designed to ensure that the AFP has "the right people, with the right capability into the right roles to better support strategic priorities and organisational agendas now and into the future". The first team which will see some changes is People Strategies, the AFP has indicated that the current number of employees in People Strategies will remain the same and they do not expect any job losses.

The AFPA was also informed that the AFP expects to conduct a similar review of the Health and Welfare work area in People, Safety and Security and the Security team. If you are affected by the changes and have any questions or concerns about the restructure, please contact the Team.

Court attendance

Court attendance can be problematic in that length of time you are required to be in court is often unpredictable. While we acknowledge this is the nature of court attendance, this should not impact our members. Indeed, the Enterprise Agreement states under the rostered operations section that *'Employees will not be disadvantaged in relation to their working hours where their working pattern is required to be broken to attend training courses, Court or other activities that cannot be catered for in the shift pattern'*.

If Court attendance can be rostered in advance, adjusting rostered hours can be relatively straightforward.

However, changes of shift not later than five days prior to the court date require payment of the penalty rate under the provisions of the EA. If following court attendance members are required to return to work earlier than the completion of the mandatory rest period, hours worked are required to be paid at the overtime rate. Consultation with your Team Leader is key to working out the most appropriate work life balance while managing operational requirements in accordance with the EA safety nets.

Please feel free to call the Team if you require clarification.

INDUSTRIAL QUERIES

If you have any industrial queries or queries about issues raised in this Dispatch, please contact sharon.wright@afpa.org.au or sam.delaney@afpa.org.au or call us on (02) 6285 1677.



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