



20 November 2018

Corporate Services

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Dr Laura Willington
President
South Australian Salaried Medical Officers Association
PO Box 64
NORTH ADELAIDE SA 5006

Attention: Ms Katharine Webster

Dear Dr Willington

RE: Clauses 56.1.3 and 56.1.4 of the SA Health Salaried Medical Officers Enterprise Agreement 2017

I write in response to your letter of 26 September 2018 in relation to Clauses 56.1.3 and 56.1.4 of the SA Health Salaried Medical Officers Enterprise Agreement 2017 (SMOEA).

The clauses relate to occasions where a Medical Practitioner Group (MPG) employee may be required to work in excess of eight (8) consecutive days and the subsequent penalty to be applied should this occur.

56.1.3 A MPG employee will not be required to work in excess of 8 consecutive days, except in an emergency necessitating as much medical care being available to the employing authority as possible or where in the employing authority's reasonable opinion additional patient care is warranted and reasonable alternatives do not exist.

56.1.4 A MPG employee required to work in excess of 8 consecutive days in accordance with 56.1.3 of this Agreement will be paid an additional 50% of the Hourly Rate applicable to the MPG employee for the additional day(s). This penalty is in addition to any penalty that might be payable in accordance with clause 59 subject to a maximum total penalty payment of an additional 100% applying to any hours so worked. This shall not limit payment for full-day or part-day public holidays

As I understand it, you have received feedback from Shared Services SA that where a MPG employee is rostered on call and is recalled to duty, the recall is not recognised as "work" for the purpose of Clause 56.1.4.

I note that SASMOA's view is that the definition of "work" for the purposes of Clauses 56.1.3 and 56.1.4 includes rostered hours, non-rostered hours, telephone calls and telemedicine, as well as recall hours.

I am of the view that the purpose of Clauses 56.1.3 and 56.1.4 of the SMOEA is to allow a MPG employee a period of time away from the workplace for the purposes of rest and recuperation.

Accordingly, where a MPG employee is required to work in excess of eight (8) consecutive days, including rostered hours, non-rostered hours, telephone calls, telemedicine or recall, it is reasonable to apply the penalty payment as outlined in Clause 56.1.4.

Further direction will be provided to Shared Services SA and the LHNs to clarify the application of Clauses 56.1.3 and Clause 56.1.4.

I note that you did not require a response to the section of your letter in which you refer to matters associated with CALHN Surgical Division.

I trust that this resolves the matter.

Yours sincerely



MELISA KAHAREVIC
A/Director Corporate Services