



Roster Waivers

**Know
YOUR
Rights!**



It's time to exercise your rights under the *Public Health System Nurses' and Midwives' (State) Award*.

Nurses and midwives advocate to improve their rights at work with the assistance of their union, the NSW Nurses and Midwives' Association. These rights are listed in the *Public Health System Nurses' and Midwives' (State) Award* and it's important that they aren't undermined.

There are three rights in relation to hours of work that the Award allows to be waived. Nurses and midwives should proceed with caution before agreeing to sign a waiver.



Your Hours of Work

The Award legally protects nurses and midwives from:

- Having less than 10 hours break between each shift (this includes breaks between overtime and the start/end of the next/previous shift).
- Working more than 7 consecutive shifts.
- Being rostered for more than three quick shifts in a fortnight.

These rights are at Clause 4 (iv) (a) of the Award.



Roster Waivers

Your employer may ask you to sign a waiver form to waive the above rights so that they can reduce your break between shifts to eight hours, roster you for more than seven consecutive shifts in a row, and roster you more than three quick shifts in a fortnight. Employees cannot waive other Award rights.

You do not have to agree to this, and management should not pressure you to do so.

All nurses and midwives are entitled to the minimum protections contained in the Award in relation to their hours of work.

Waivers should only be agreed to if you have a personal preference to waive a particular right and should only be signed after due consideration.

What if my manager asks me to sign a waiver form?

- You do not have to sign.
- Only sign a waiver if you want to have shorter breaks between shifts, work more than seven consecutive shifts, or be rostered on more than three quick shifts a fortnight.
- A copy of the waiver form should be provided to you by management on your request.
- There's no minimum period to waive your rights – you should discuss the period of your waiver with your manager. The Association recommends a period of no more than six-months at a time.
- You do not have to waive your right to all three of the roster protections, only the ones that suit you personally.

If you have already signed a waiver, you can still revoke it at any time by:

1. giving appropriate notice (usually one roster period).
2. ensuring notice is provided in writing via email to your NUM.

Legally, your employer is not allowed to treat you detrimentally as a result of you not signing, or revoking, a waiver.

If you feel you are being pressured into signing, or would just like more advice, **please speak to your local branch of the NSWNMA or create a new issue in Member Central (online.nswnma.asn.au) as soon as possible.** You can also contact the Association on 1300 367 962.

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OF THE NSWNMA?**

www.nswnma.asn.au

Being part of the Association means we have more collective power to deliver positive change on pay and conditions at your work.
Join us today and together, we can make our future stronger.

Authorised by S. Candish, General Secretary, NSWNMA | August 2022 | 1.3

