

 MULTICULTURAL COUNCIL of TASMANIA	Time Off In Lieu Policy	Policy ID	MCOT-TIL
		Version Number	1
		Implementation Date	20 June 2019
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Policy Owner	BOARD	Approval	Board
Drafted by	Ron Franks	Next review date	April 2021

INTRODUCTION

From time to time employees may be required to work longer hours to accommodate a pressing work issue, attend meetings or represent the organization outside of their usual working hours. The concept of Time off in Lieu allows an employee to work overtime, and then instead of being paid additional remuneration for working such overtime, the employee is granted paid time off work by their employer, to the equivalent of the overtime worked.

Time off in lieu of paid overtime will be offered as an option to employees who are required to work hours beyond their normal contractually agreed weekly hours. This arrangement is designed to ensure that an employee is not paid working excessive hours and to ensure work/life balance. It is not expected that time in lieu ("TOIL") will be a standard or regular occurrence.

PURPOSE

The purpose of this policy is to ensure that:

- CEO and all staff understand the use of time in lieu arrangements in Multicultural Council of Tasmania.
- CEO and all staff are aware of the procedures for time in lieu.
- All staff are treated consistently.

POLICY DETAIL

Responsibilities

It shall be the responsibility of the CEO and managers to implement this policy and monitor its effects. The CEO shall be responsible for authorising all instances of time in lieu.

Calculating time off in lieu payment

Time off in lieu will be at a ratio of one hour worked to one-hour time in lieu, except for public holidays and Sundays, where time in lieu will be granted on a time-and-a-half rate.

Time off in lieu should be calculated in 15-minute intervals and can be claimed where the additional time worked exceeds 30 minutes. Time in lieu of more than four days may not be accrued by any one employee. No more than one day a month can be taken as time in lieu, normally in half-day blocks. Time in lieu leave must be taken at a time approved by the employee's manager. In MCOT all Staff must fill out a "Time in Lieu Accrued and Taken Form"

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which there is in file document form and lodge it with the CEO. Time in lieu can only be accrued and taken in accordance with this policy.

Time in lieu should be redeemed as soon as possible after it has been accrued.

In relation to TOIL arrangements, modern awards can be separated into three categories:

1. TOIL is calculated at the employee's ordinary rate (i.e. 'an hour off for an overtime hour worked');
2. TOIL is calculated at the employee's overtime rate (i.e. time and a half for the first two hours, and double time thereafter);
3. The award is silent on TOIL (i.e. there is no provision in that award that regulates TOIL arrangements).

The model term will regulate agreements reached by employees and their employer in taking TOIL instead of receiving payment for overtime. The model term will require that, in relation to all TOIL agreements or arrangements:

- the employee and employer agree to take TOIL at a mutually-agreed time;
- TOIL will be taken within six weeks of the overtime being worked. If this does not occur, the overtime is to be paid to the employee at overtime rates;
- a separate written agreement is to be made for each occasion that overtime is to be taken as TOIL;
- any accrued, but untaken, TOIL must be paid to the employee on termination at overtime rates; and
- if requested by the employee, the employer must pay the employee for any accrued but untaken TOIL entitlement at overtime rates.

Despite the above, any modern award that currently allows TOIL to be calculated at the employee's overtime rate (i.e. time and a half for the first two hours, and double time thereafter) will remain unchanged.

RELATED DOCUMENTS

- Staff recruitment policy

AUTHORISATION

Signed by CEO:Date: 20 June 2019

Signed by Chair: Date: 20 June 2019