

# MOCA6: Factsheet

## RMO Fatigue Provisions

The below examples have been provided to explain the changed fatigue provisions for Resident Medical Officers in MOCA6. Queensland Health recognises fatigue is a serious issue and the associated risk to employees and patients. In the scenarios that follow, where fatigue provisions have not been enlivened there is still a responsibility under the *Work Health and Safety Act 2011* to protect the health, safety and welfare of employees and patients.

### What is the MOCA6 entitlement – Rostered Ordinary Hours? (This is a change from MOCA5 entitlement)

A RMO will be provided with 10 hours off duty (“Fatigue break”) before being required to be on duty again.

The change is confirmation that there must be at least 10 hours rest between rostered ordinary hours shifts, i.e. the clause removes the requirement that overtime must be performed to trigger the 10 hour break. The change provides that a RMO must be rostered a 10 consecutive hour break between two rostered shifts, (overtime or ordinary). If this does not occur the RMO will be entitled to be stood down until 10 consecutive hours free from duty has occurred or be paid double time until released from duty.

In order to manage fatigue and ensure compliance with MOCA6, a HHS should refrain from rostering a RMO to perform an overtime shift without a ten hour break before that shift. If a RMO works an overtime shift without a ten hour break before that shift, no additional fatigue penalty would be applicable on the second shift.

#### Example 1:

An employee was rostered on Ordinary hours shifts on Monday from 1500 to 2330 and rostered Tuesday to commence an Ordinary hours shift from 0730 to 1600. The employee has not had a 10 hour break between the finish on Monday and commencement on Tuesday. To enable a 10 hour break the employee should be placed on fatigue leave from 0730 to 0930.

If the employee commences their shift at 0730 they will be entitled to payment at double time until released from duty for a period of 10 consecutive hours.

#### Example 2:

An employee was rostered on an Ordinary hours shift on Monday from 1500 to 2330 and rostered Tuesday to commence an Overtime shift from 0730 to 1600. This rostering practice should not occur as there is not a 10hr break between the completion of the ordinary hours and commencement of the overtime. If the employee by agreement does commence the

\* Where a medical officer has had an inadequate sleep opportunity but does not meet the fatigue provisions outlined a conversation with the delegate should occur to ensure safety of employees and patients in accordance with the Fatigue Risk management framework. Fatigue provisions are defined to mean either Fatigue Penalty or Fatigue Leave.

overtime shift without a ten hour break before that shift, no additional fatigue penalty would be applicable on the overtime shift.

## What is the MOCA6 entitlement – Overtime / Recall between rostered Ordinary Hours? (This is a change from MOCA5 entitlement)

An employee who works so much overtime between the termination of work, including overtime, on one day and the commencement of the next shift of ordinary work, so that at least ten consecutive hours off duty has not elapsed between those times, is to be released from duty until ten consecutive hours off duty have elapsed without loss of pay for ordinary working time occurring during such absence.

If, on the instruction of the employer, an employee resumes or continues work without having had ten consecutive hours off duty, the employee is to be paid double rates until released from duty and is then entitled to be absent until ten consecutive hours off duty have elapsed without loss of pay for ordinary working time occurring during that absence.

An employee rostered on call and recalled to work in accordance with this clause must be released from duty at the end of the last period of recall during the on call period for a break of 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

Where an employee's first recall to work during the on call period is up to three hours prior to the commencement of an ordinary shift, and the employee has already had a ten hour break prior to this period of recall, the employee could commence their ordinary hours shift with agreement with the employee and consideration of work health and safety\*.

### Example 3:

An employee was rostered on Ordinary hours shifts on Monday and Tuesday from 0800 to 1630. The employee worked overtime in continuation of their shift on Monday from 1630 to 2230. The employee has not had a 10 hour break between the finish of the overtime on Monday and commencement of their ordinary hours shift on Tuesday. To enable a 10 hour break the employee should be placed on fatigue leave from 0800 to 0830.

If the employee commences their shift at 0800 they will be entitled to payment at double time until released from duty for a period of 10 consecutive hours.

### Example 4:

An employee was rostered on Ordinary hours shifts on Monday and Tuesday from 0800 to 1630. The employee then worked rostered overtime prior to their shift on Tuesday from 0600 to 0800. The employee has had a 10 hour break between the finish of the shift on Monday and commencement on Tuesday.

The employee is not entitled to automatic fatigue provisions in accordance with MOCA6. \*

\* Where a medical officer has had an inadequate sleep opportunity but does not meet the fatigue provisions outlined a conversation with the delegate should occur to ensure safety of employees and patients in accordance with the Fatigue Risk management framework. Fatigue provisions are defined to mean either Fatigue Penalty or Fatigue Leave.

### Example 5:

An employee was rostered on Ordinary hours shifts on Monday and Tuesday from 0800 to 1630. The employee was rostered on call on Monday from 1630 through to 0800 Tuesday. The employee was recalled Tuesday morning from 0330 to 0430. The employee has had a 10 hour break between the finish of work on Monday and commencement of the recall on Tuesday.

The employee is not entitled to automatic fatigue provisions in accordance with MOCA6. \*

### Example 6:

An employee was rostered on Ordinary hours shifts on Monday and Tuesday from 0800 to 1630. The employee was rostered on call from 1630 Monday through to 0800 Tuesday. The employee was recalled from 0030 to 0130 Tuesday. The employee has not had a 10 hour break between the finish of work on Monday and commencement of the recall on Tuesday. To enable a 10 hour break the employee should be placed on fatigue leave from 0800 to 1130.

If the employee commences their shift at 0800 they will be entitled to payment at double time until released from duty for a period of 10 consecutive hours.

### Example 7:

An employee was rostered on Ordinary hours shifts on Monday and Tuesday from 0800 to 1630. The employee was rostered on call from 1630 Monday through to 0800 Tuesday. The employee was recalled Tuesday morning from 0530 to 0700. The employee has had a 10 hour break between the finish of work on Monday and commencement of the recall on Tuesday.

The employee is not entitled to any fatigue provisions. As the recall to work fell during the period up to the three hours prior to the commencement of an ordinary shift, and the employee has already had a ten hour break prior the employee could commence their ordinary hours shift with agreement with the employee and consideration of work health and safety. \*

## What is the MOCA6 entitlement – Overtime Worked on Other than an Ordinary Rostered Working Day (No change from MOCA5 entitlement)

An employee who works more than two hours overtime between 22:15 on any day other than an ordinary rostered working day and the commencement of work on the RMOs ordinary rostered working day and who has not had at least eight (8) consecutive hours off duty during the 15 hours immediately preceding the commencement of work on their next ordinary rostered working day shall be released after completion of such overtime until they have had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

\* Where a medical officer has had an inadequate sleep opportunity but does not meet the fatigue provisions outlined a conversation with the delegate should occur to ensure safety of employees and patients in accordance with the Fatigue Risk management framework. Fatigue provisions are defined to mean either Fatigue Penalty or Fatigue Leave.

If, on the instruction of the employer, an employee resumes or continues work without having had eight consecutive hours off duty, the employee is to be paid double rates until released from duty and is then entitled to be absent until eight consecutive hours off duty have elapsed without loss of pay for ordinary working time occurring during that absence.

### Example 8:

An employee was rostered on an Overtime shift on their rostered day off on Sunday from 1500 to 2300. The employee was rostered for an Ordinary Hours shift commencing Monday at 0800 to 1630.

The employee is not entitled to any fatigue provisions as they did not work more than 2 hours Overtime between 2215 and commencement of their shift. \*

### Example 9:

An employee was rostered for an Overtime shift on their rostered day off on Monday from 2000 to 0100. The employee was rostered for an Ordinary Hours shift commencing Tuesday at 0800 to 1630.

The employee is entitled to fatigue provisions as they worked more than 2 hours Overtime between 2215 and the commencement of their work shift and has not had at least eight (8) consecutive hours off duty during the 15 hours immediately preceding the commencement of work. The employee should be placed on Fatigue leave from 0800 to 1100.

If the employee commences their shift at 0800 they will be entitled to payment at double time until released from duty for a period of 10 consecutive hours.

## What do I need to record when I am on fatigue leave?

If placed on fatigue leave so a 10 hour break can be taken, an employee should submit a MEDAVAC to their line manager as soon as practicable for the hours of fatigue leave.

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