DIT - OVERTIME

Memorandum of Understanding

Doctors in Training (Victorian Public Health Sector) (AMA Victoria/ASMOF) (Single Interest Employers) Enterprise Agreement 2022-2026

This Implementation Guide has been jointly developed between the Victorian Hospitals' Industrial Association, AMA Victoria and ASMOF to support the implementation of changes to overtime arising from the Memorandum of Understanding signed by the parties on 21 October 2026.

Purpose: The purpose of this Implementation Guide is to support the implementation of matters in the Memorandum of Understanding signed on 21 October by AMA/ASMOF, VHIA and representatives of the Victorian Government.

Background: There are two types of overtime applicable to Doctors in Training – **rostered** and **unrostered**.

Where overtime is **rostered**, it is paid.

Where overtime is **unrostered**, a claim for payment must be submitted for payment to occur.

AMA/ASMOF made claims with respect to ensuring payment for all overtime worked. VHIA seeks to ensure that all claims for unrostered overtime are submitted and in a timely manner.

In the course of negotiations, the parties focussed on the processes relating to the claiming and payment of unrostered overtime for Doctors in Training.

The parties agreed to remove the need for doctors to make claims in relation to unrostered overtime through their direct supervisors and line managers and, instead that claims for the payment of unrostered overtime could be made directly to the doctors Workforce Management Unit (however titled).

The parties agreed to amend the unrostered overtime terms, which were included in the *Doctors in Training (Victorian Public Health Sector) (AMA Victoria/ASMOF) (Single Interest Employers) Enterprise Agreement 2022-2026*. The objective of the changes was three-fold:

- To ensure that time worked was time paid,
- To ensure that claims would be dealt with directly by the Medical Workforce Unit (**MWU**) rather than a doctor's line manager/supervisor,
- Separate to the question of payment, to ensure that Health Services could continue to manage overtime.

Overview: In the course of negotiations, the parties made agreed amendments covering the following:

- Submission of Unrostered Overtime Hours – prior to end of pay period
- Submission of Unrostered Overtime Hours – late lodgement

- Amend the submission point from line Manager / Supervisor to MWU.
- Payment of Unrostered Overtime Hours
- Reasonable Management Action.

The relevant provisions are set out below, including the numbering to support cross-referencing.

Subclause 7 - Submission of Unrostered Overtime Hours – prior to end of pay period

Term –

*"**36.7 Submission of Unrostered Overtime Hours – prior to end of pay period***

To support timely payment and appropriate workload management, the Doctor will:

(a) Submit to the Employer's Medical Workforce (or similarly titled) department any Unrostered Overtime hours for payment by:

(i) 5:00pm on the Friday immediately prior to the end of the pay period within which the Unrostered Overtime was performed; or

(ii) in the case of Unrostered Overtime performed on Friday evenings and the weekend (including the Monday morning following Sunday night shift) immediately prior to the end of the pay period, as soon as reasonably practicable, but no later than 5:00pm on the Friday immediately after the Unrostered Overtime was performed.

(b) Provide the Employer's Medical Workforce (or similarly titled) department in writing and in a form capable of Health Service audit and review:

(i) the Department/Unit within which the Unrostered Overtime was performed;

(ii) the Unrostered Overtime hours worked;

(iii) the reason for working the Unrostered Overtime, and

(iv) the duties performed during the Unrostered Overtime."

Actions

Who	What
Health Service	Amend process to facilitate the submission of Unrostered Overtime hours to the Medical Workforce Department (however titled).
Health Service	Advise Doctors in Training of: • change to process described above, • The information required to be submitted as described at (b) • the timelines referred to below.
Doctor	The Doctor in Training must submit unrostered overtime hours by either: • 5pm on the Friday immediately prior to the end of the pay period, or • In the case of unrostered overtime worked on Friday evenings or the weekend (including Monday morning), by 5pm of the Friday after the unrostered overtime was worked.

Subclause 8 - Submission of Unrostered Overtime Hours – late lodgement

Term –

36.8 Submission of Unrostered Overtime Hours – late lodgement

Where a Doctor does not submit a claim for Unrostered Overtime in accordance with the timeframes set out in subclause 36.7(a), the Doctor will be required to submit an explanation as to why the timeframes set out in subclause 36.7(a) were not met in addition to the information required in subclause 36.7(b) to the Medical Workforce (or similarly titled) department.

Comment Notwithstanding the clear requirement to lodge claims for unrostered overtime within the time required at subclause 7, the term addresses what is to occur if that timeline is not met.

Actions

Who	What
Health Service	Advise Doctors in Training that late applications must: • Be submitted to the Medical Workforce Department

	• Accompanied by the material at 36.7(b), and • Accompanied by an explanation was to why the submission is late.
Doctor	The Doctor in Training must submit the required materials as described above.

Subclause 9 - Payment of Unrostered Overtime Hours

Term –

"36.9 Payment of Unrostered Overtime Hours

The Medical Workforce (or similarly titled) department will arrange for payment of the Unrostered Overtime for claims made pursuant to:

(a) subclause 36.7(a)(i) as part of the pay period within which the Unrostered Overtime was worked; or,

(b) subclause 36.7(a)(ii), as part of the pay period immediately following the pay period within which the Unrostered Overtime was worked; or,

(c) subclause 36.8, as part of the pay period immediately following the pay period within which the Unrostered Overtime claim was provided to the Medical Workforce (or similarly titled) department, unless there is a dispute in relation to whether the hours were worked in accordance with this clause."

Comment This subclause concerns the facilitation of payment and the timing of such payment. It ensures that time worked is time paid. If there are concerns as to whether it was appropriate or necessary to work the overtime or if the Health Services wishes to take steps to reduce unrostered overtime, then reasonable management action as described at subclause 10 (below) should be taken, but such action is separate to whether the time is paid.

Actions

Who	What
Health Service	Amend process to facilitate the Medical Workforce department arranging payment within specified timeframes.

	This is separate to any process for internal monitoring and reporting to ensure that unrostered overtime / workloads are manageable.

Subclause 10 - Reasonable Management Action.

Term –

36.10 "Reasonable Management Action

Nothing in this clause limits the ability of the Health Service to take reasonable management action in relation to any matter associated with this clause including reasonable inquiries with the Doctor and the Department/Unit to ensure that hours claimed were performed by the Doctor."

Comment The expired Agreement also supports reasonable management action. This could be by way of reorganizing work to reduce the need for unrostered overtime or setting clear expectations regarding when unrostered overtime should be worked.

Actions

Who	What
Health Service	Status quo