

Annexure A – Loss Assessment Formula

1. Unrostered overtime

1.1 Each Participating Group Member's preliminary entitlement in respect of unpaid, unrostered overtime (including time required to be worked during meal break periods on day shifts, Mondays to Fridays) for each calendar year will be calculated pursuant to methods 1 and 2 below.

1.2 Method 1: The Participating Group Member's preliminary entitlement for unrostered overtime for each fortnight that they were employed by the Defendants as a Junior Medical Officer during the Claim Period will be calculated as follows

*Average hours * Rate of pay * Full-time equivalent load = Preliminary entitlement for unrostered overtime for the fortnight*

Method 2: The sum of all amount/s calculated pursuant to method 1 for each calendar year will be multiplied by the Weighting assigned to that calendar year.

Term	Meaning
Average hours	The estimated average number of 9.48 hours of unpaid, unrostered overtime worked per junior medical officer per fortnight during the Claim Period. It is important to note that this estimate is not an entitlement. The entitlement of each Participating Group Member cannot be quantified because (1) there are no records or data that would enable actual or average actual hours to be determined; (2) each Participating Group Member's experience and working hours are different; and (3) it will be reduced to reflect the fact that some of the time spent by Participating Group Members at hospitals would not be overtime for which an amount is payable under the applicable version of the <i>Public Hospital Medical Officers (State) Award</i> .
Rate of pay	The hourly rate of pay set out in the applicable version of the <i>Health Professional and Medical Salaries (State) Award</i> for the Participating Group Member's Classification during the fortnight.
Classification	Any of the following categories of junior medical officer: intern, resident (1 st year – 4 th year), registrar (1 st year – 4 th year), or senior registrar.
Full-time equivalent load	The Participating Group Member's ordinary hours of work during the fortnight divided by 80.
Weighting	An adjustment made to reflect the fact that less unrostered overtime was claimed by, and paid to, Participating Group Members before 2019 than after it because of the introduction of UROC and the expansion of the categories of authorised unrostered overtime in the policy directives.

2. Meal breaks

2.1 Each Participating Group Member's preliminary entitlement in respect of meal breaks on shifts other than day shifts, Mondays to Fridays, for each calendar year will equal the sum of any amount/s calculated pursuant to methods 3 and 4 below

for that calendar year. It is not possible to determine from the available data whether each of the meal breaks on shifts other than day shifts, Mondays to Fridays, were ordinary time earnings or overtime. Therefore, for the purposes of the distribution scheme, it is assumed that these meal breaks are ordinary time earnings.

- 2.2 Method 3: Where HealthRoster data is available for the whole of a fortnight, the Participating Group Member's preliminary entitlement in respect of meal breaks on shifts other than day shifts, Mondays to Fridays, for that fortnight will be calculated as the sum of the following amounts.

Where the Participating Group Member was rostered to:

- (a) *start a shift before 8am or end a shift after 6pm on Mondays to Fridays; or*
- (b) *a shift on Saturdays or Sundays; and*

30 or 60 minutes was deducted from that shift for a meal break, the value of that deduction plus an amount equivalent to the statutory employer superannuation contribution in respect of that value.

- 2.3 Method 4: Where HealthRoster data is unavailable for the whole or part of a fortnight during which the Participating Group Member worked, their preliminary entitlement in respect of meal breaks on shifts other than day shifts, Mondays to Fridays, for that fortnight will be calculated as follows.

*The average of all Participating Group Members preliminary entitlements in respect of meal breaks calculated pursuant to method 1 on a per fortnight basis * the number of fortnights during which the Participating Group Member worked but HealthRoster data is unavailable for the whole or part of those fortnights.*

3. **Rostered overtime**

- 3.1 Each Participating Group Member's preliminary entitlement in respect of underpayment of rostered overtime for each calendar year will equal the sum of any amount/s calculated pursuant to the method below.

- 3.2 For each fortnight in the calendar year:

- (a) *Calculate the total number of paid hours for the fortnight ('A').*
- (b) *Treat the following as overtime:*
 - (i) *time designated as overtime hours in the Defendants' payroll data;*
 - (ii) *time worked in excess of 10 hours per effective start date; and*
 - (iii) *time worked in excess of 10 days for the fortnight (allocating the shortest worked day/s to overtime) ('B').*
- (c) *A – contracted fortnightly hours = the total number of overtime hours for the fortnight ('C').*
- (d) *C – B = residual overtime hours ('D'). Where B is greater than C, D is zero.*
- (e) *B + D = total overtime hours ('E').*

- (f) Apply the following multipliers to E:
- (i) 1.5 x multiplier to the first two hours (or part thereof); and
 - (ii) 2.0 x multiplier to any additional time ('F').
- (g) $F + \text{contracted fortnightly hours} = \text{total but for effective hours}$ ('G').
- (h) Calculate the effective number of paid hours for the fortnight (where 1 hour paid at ordinary time = 1 hour; 1 hour paid at 1.5 x multiplier = 1.5 hours; and 1 hour paid at 2.0 x multiplier = 2 hours) ('H').
- (i) $G - H = \text{shortfall in paid hours for the fortnight}$ ('I').
- (j) $I * \text{Rate of pay} = \text{preliminary entitlement to compensation for underpayment of rostered overtime for the fortnight}$.

4. Interest

- 4.1 For each calendar year in the Claim Period, the sum of the Participating Group Member's preliminary entitlement/s to unrostered overtime, meal breaks, and rostered overtime for that calendar year will be multiplied by the interest weighting assigned to that calendar year.

5. Apportioning the Residual Settlement Distribution Fund Sum

- 5.1 The Residual Settlement Distribution Fund Sum will be apportioned between Participating Group Members according to the following method.
- (a) The sum of a Participating Group Member's preliminary entitlements to unrostered overtime, meal breaks, rostered overtime, and interest ('J').
 - (b) The sum of all Participating Group Members' preliminary entitlements to unrostered overtime, meal breaks, rostered overtime, and interest ('K').
 - (c) Residual Settlement Distribution Fund Sum ('L').
 - (d) $(J / K) * L = \text{the Participating Group Member's Distribution}$ (i.e., their share of the total monies available to all Participating Group Members).