

## Minimum breaks between rostered shifts - HSU covered Awards

**Summary** This Information Bulletin establishes the method by which NSW Health management and staff under Health Services Union (HSU) covered Awards can reach agreement with the HSU to maintain existing 8-hour breaks between shift arrangements.

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**Distributed to** Ministry of Health, Public Health System, Divisions of General Practice, Government Medical Officers, NSW Ambulance Service, Health Associations Unions

**Audience** Administration

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### Purpose

This Information Bulletin advises NSW Health organisations of new mandatory requirements for managing the minimum break between rostered shifts for employees covered by the:

- *Health Employees' Conditions of Employment (State) Award 2025*
- *Public Hospitals (Professional and Associated Staff) Conditions of Employment (State) Award 2025*
- *Hospital Scientists (State) Award 2025.*

These Awards are available on the NSW Health [website](#).

From 28 February 2026, 10-hour minimum breaks between rostered shifts are applicable for all staff covered by these Awards except where the Health Services Union (the Union) has consented to 8-hour minimum breaks.

This Information Bulletin sets out the mandatory requirements for NSW Health organisations seeking to retain or apply 8-hour minimum breaks after 28 February 2026 for employees under these Awards.

### Key Information

#### *Seeking Union Consent for 8-Hour minimum Breaks*

NSW Health organisations may seek the consent of the Union for 8-hour minimum breaks between rostered shifts:

- where an 8-hour break is necessary to keep services running effectively and a 10-hour break has been evaluated as not appropriate, or
- where a group of employees have requested maintaining their existing roster pattern with 8-hour breaks.

NSW Health organisations are to consult with the Union as per the normal processes prior to making a formal request to the Union.

Formal requests to the Union are to be in writing from the NSW Health organisation's Director of People & Culture (or delegates) to [secretary@hsu.asn.au](mailto:secretary@hsu.asn.au) and include:

- the location and number of employees affected
- the reason/s for the 8-hour break
- the reason/s why a 10-hour break is not feasible, and

- any potential impacts on service and/or employees if not granted.

NSW Health organisations should facilitate communication and consultation between employees and Union representatives during this process. This may include setting aside time during work hours for the Union to hold discussions with employees.

NSW Health organisations are to keep records of any such formal requests, responses and any subsequent agreements in accordance with NSW Health's record keeping requirements and local procedures.

### ***Interim Agreement for Requests Made Before 28 February 2026***

If an NSW Health organisation makes a request to the Union prior to 28 February 2026 for an 8-hour minimum break agreement and:

- was already routinely rostering 8-hour breaks between shifts for the workgroup making the request prior to changes being made to the relevant award, and
- an 8-hour break between shifts is necessary to keep services running effectively,

the agreement is deemed to be reached on an interim basis and the organisation can continue to roster 8-hour breaks between shifts until the Union has either agreed to the request or has rejected the request in writing, having given 90 days' notice of its intention to do so – whichever occurs first.

### **Individuals**

In cases where an employee initiates a request to a NSW Health organisation for an 8-hour minimum break between shifts as part of a Temporary Individual Rostering Arrangement (TIRA), the local Director of People & Culture (or delegates) should write to the Union on behalf of the individual to make a request and identify:

- the name, role, and workgroup of the employee affected
- the reasons for the request (including why a 10-hour break is not possible/desirable), and
- any impact on the employee if not granted.

Agreement will be deemed to be reached if:

- the TIRA was initiated by the employee, and
- the request for an agreement has been received in writing by the Union, and
- an employer would be prohibited by anti-discrimination legislation from refusing the request if it was solely an issue of managerial prerogative.

Note: Applications must comply with existing employee confidentiality and privacy requirements.

### **Ongoing Arrangements**

NSW Health organisations:

- are required to advise new staff members starting in a workgroup covered by an 8-hour break arrangement of the Award provisions.
- are to review the arrangements as necessary or if requested by an employee or group of employees.
- are to consult as per the usual consultation requirements should they wish to revert to a 10-hour break.

### **WHS Considerations**

NSW Health organisations must consider any fatigue and safety risks in the management of rosters and breaks in line with the *Work Health and Safety Act 2011* (NSW), relevant regulations and NSW Health policies.

### **Enquiries**

Any enquiries concerning this Information Bulletin are to be directed to the relevant People & Culture personnel in the NSW Health organisation. Only People & Culture personnel are to contact the NSW Ministry of Health directly.