



Medea Park Nurses Enterprise Agreement 2019

EA Update 2

On Friday 20 March 2020, the Australian Nursing and Midwifery Federation Tasmanian Branch (ANMF) received a draft agreement from Medea Park. The ANMF have now completed a review of the draft and note several existing agreement clauses have been amended that are not reflective of the negotiated outcome.

From the outset this negotiation was to be a limited negotiation. In 2019 Medea Park met with the ANMF to discuss the dire financial situation of the facility. Medea Park's bargaining representative expressed a preference to have a narrow focus for bargaining, looking particularly at a rollover agreement with minimal changes and a wage increase. Unfortunately, Medea Park was not in a financial position to offer a wage increase in 2019, instead offering a wage freeze. The ANMF took this position to members in October last year. Members were reluctant to accept a wage freeze, but did so on the proviso that the following matters were to be included in the new enterprise agreement:

1. *5 days paid union delegates leave*
2. *Foul and nauseous linen allowance in line with the General Staff Enterprise Agreement*
3. *No evidence required for 5 days personal leave per year*
4. *New casual conversion clause in line with the modern award clause*
5. *New part-time review of hours clause as follows:
Where an employee is regularly working more than their specified contract hours, the employee may request that the employer increase their contracted hours. The employer will not unreasonably refuse such a request.*

The above matters were put to Medea Park in an email dated 18 November 2019. Negotiations continued through to early 2020 when negotiations reached an impasse; Medea Park would only agree to the following:

1. 2-year agreement

2. 2019 wage freeze, 2020 2.5% or FWC
3. New casual conversion clause in line with the modern award clause
4. New part-time review of hours clause as follows:
 - i. Where an employee is regularly working more than their specified contract hours, the employee may request that the employer increase their contracted hours. The employer will not unreasonably refuse such a request.
5. Foul and nauseous linen allowance in line with the General Staff Enterprise Agreement. Payable only when the employee is working during, and in the area where there is, a notifiable illness.

On 20 January 2020, the ANMF asked Medea Park to update the existing agreement to reflect the above terms and present a draft to the ANMF for review and then subsequently for our members to vote on. Unfortunately, on review of the draft received last Friday, unnegotiated changes were identified. Below is a summary of the ANMF review:

1. Clause 3; Agreement expiry should be 31 July 2020, the negotiated agreement was for a 2-year agreement, a wage freeze for 2019 applying from 1 July 2019 and 2.5% 1 July 2020; **drafted clause not agreed.**
2. Clause 9; Casual conversion, negotiated change; **agreed.**
3. Clause 10: Review of part time hours, negotiated change; **agreed.**
4. Removal of Clause 14A (11) DON classification; not raised in bargaining; **not agreed.**
5. Removal of Clause 14A 12; **not agreed.**
6. Clause 18 (e) Foul and Nauseous Linen Allowance, negotiated change; **agreed.**
7. Clause 18 (l) change to uniform clause; not raised in bargaining; **not agreed.**
8. Clause 21 (6) DON OT clause removed, not raised in bargaining; **not agreed.**
9. 23 (2) Wording detailing 5 weeks annual leave for DON removed; not raised in bargaining; **not agreed.**
10. 40 (6) the following wording has been removed; *The employer recommends the employee seek advice from their union representative, accountant or other party before entering into an individual flexibility agreement*; not raised in bargaining; **not agreed.**

The changes in the proposed agreement will have a material effect on some members. As currently drafted, the ANMF does not support the agreement going to a vote. However, in order to not delay this process any further and to allow members a say in a vote, the ANMF have presented two options to Medea Park in order to move this matter forward:



Option 1

If the below changes are made, then the ANMF will allow the agreement to go to vote and for our members to decide support for the agreement or not:

1. Clause 3; Agreement expiry should be 31 July 2020, the negotiated agreement was for a 2-year agreement, a wage freeze applying from 1 July 2019 and 2.5% 1 July 2020. The wage table and allowances need to be updated to reflect the same.
2. Clause 18 (l) reinstate the current uniform clause.
3. 40 (6) reinstate the following: *The employer recommends the employee seek advice from their union representative, accountant or other party before entering into an individual flexibility agreement; not raised in bargaining, not agreed.*

Option 2

For the ANMF to give in principle support, noting that this option would be the closest to the ANMF member position endorsed back in October 2019, that in addition to the above, the following clauses will need to be reinstated:

1. 14A (11) DON classification definition
2. 14A 1; Registered nurse ratio of 25% for Level 2 nurses
3. 21 (6) DON Overtime; DON are not paid overtime unless working a clinical shift, they receive an extra week annual as per shift workers in lieu of not being paid overtime
4. 23 (2) Wording detailing 5 weeks annual leave for the DON in lieu of not receiving overtime as per clause 21 (6) above

The ANMF is now waiting on Medea Park's response. Given the elongated process, the preference is to have an agreement presented to members to vote on as soon as possible. Further updates will follow.

If you have any queries please do not hesitate to contact our Member Support Team on 1800 001 241. Alternatively, email membersupport@anmftas.org.au.

Authorised by Emily Shepherd, Branch Secretary

27 March 2020