



Medea Park Nurses Enterprise Agreement

EA Update 3

On Wednesday 20 May 2020, the Australian Nursing and Midwifery Federation Tasmanian Branch (ANMF) met with Medea Park management via teleconference to discuss outstanding matters in relation to enterprise bargaining for a replacement Medea Park Nurses Agreement.

For details on the outstanding matters, please view EA Update 2 here:

<https://anmftas.org.au/pdf/20200327medeaparkeupdate2.pdf>

At the meeting, Medea Park advised that they would rectify the following unnegotiated changes presented in the draft provided to the ANMF back on 30 March 2020:

1. Clause 18 (l); change to uniform clause, this will now revert to the current EA wording.
2. Clause 40 (6); the following wording will be reinstated: *The employer recommends the Employee seek advice from their union representative, accountant or other party before entering into an individual flexibility agreement.*

Management was not prepared to move on the removed clauses relating to the Director of Nursing Classification, and further, the term of the agreement would stay at the proposed 3 years. At this point, the ANMF considered that the agreement was in the best position to be put to members for a vote. However, Medea Park advised that in the period since 30 March 2020, a review was undertaken of the current wage rates in anticipation of passing on the 2020 agreed wage increase of 2.5%, given the additional time being taken to finalise the above matters. During this review, Medea Park discovered that wages had been increased by a previous employee, outside of the rates prescribed in the current agreement, *Medea Park Association Incorporated Nurses Agreement 2016*. As a result,



nursing employees are currently earning in excess of what has been negotiated for in the 1 July 2020 increase.

The ANMF have been provided with the following wage summary that outlines the overpayment:

REGISTERED NURSE - Level 1	Existing EA Rate	Proposed EA increase	Current Wages	Proposed EA increase	Proposed EA increase
	1/07/2018	1/07/2019		1/07/2020	1/07/2021
	2.00%	0%		2.50%	2.50%
1st Year of Service	59,757	59,757	61,635	61,251	62,783
2nd Year of Service	62,648	62,648	64,595	64,214	65,819
3rd Year of Service	65,538	65,538	67,065	67,176	68,856
4th Year of Service	68,427	68,427		70,138	71,891
5th Year of Service	71,317	71,317	73,547	73,100	74,928
6th Year of Service	74,208	74,208	74,207	76,063	77,964
7th Year of Service	77,098	77,098		79,025	81,001
8th Year of Service	79,987	79,987	82,478	81,987	84,036
ENROLLED NURSE - Level 2 (medication endorsed)					
1st Year of Service	60,059	60,059	61,928	61,561	63,100
2nd Year of Service	61,218	61,218	63,133	62,749	64,317

Note that some years have not received an overpayment.

In relation to the above development, Medea Park will consider the following:

1. Not reducing current wages which are more than the proposed 1 July 2020 increase.
2. That any new agreement wage offer as of 1 July 2020, is to reflect either the current wage rates or the 2.5% wage increase, whichever is higher.
3. A written agreement of terms to comply with clauses 9, 10, 18 (E), 18 (I) and 40 (6) as already agreed. Note, the ANMF preference is to achieve this via a registered agreement with Fair Work Australia (FWA). This provides the greatest level of protection for members' existing employment conditions.
4. That all parties commence bargaining for a new Nurses Enterprise Agreement from April 2021, or if preferred, the ANMF can provide a log of claims and immediately

commence bargaining for a new Nurses Enterprise Agreement. Again, the ANMF preference, if this option is to be progressed, is to complete the current process and commence the negotiations while the current agreement is being progressed via the FWA approval process.

At the meeting, Medea Park were able to provide responses to some of our questions, others are either still to be provided or we have requested advice after the meeting. The ANMF have sought clarification regarding the following:

When was the increase made?

Medea Park are unable to determine when this occurred, but they are certain it occurred under the previous management; this could mean that staff have earned the higher rate for some time.

Are other classifications affected?

Medea Park to provide further advice and details as per the above table.

Would Medea Park consider providing a wage increase for 2020/21, how would this look?

Medea Park to provide further advice on this question.

Would Medea Park provide a written guarantee that overpayments, in this instance, will not be pursued and required to be paid back?

Medea Park have advised the following: *“As a sign of good faith and in appreciation of the work undertaken by our employees, I have made the decision not to request any repayment of the overpaid wages. If however an employee is receiving current wages in excess of the 1 July 2020 pay increase, then their wages will be frozen at this time.”* Medea Park to provide further advice on this question.

The above development is not an ideal situation and it results in some members not receiving annual incremental wage increases for both 2019 and 2020, although an increase was applied over and above the agreement requirement at some stage from 2016. To move forward from here, the greatest protection for members is to achieve a registered agreement with FWA.



This would entail the following if the employer were agreeable:

1. Putting to ballot the current proposed enterprise agreement, which would consist only of the condition changes made as per advice in EA Update 2.
2. Having a 2-year agreement term, 2019 and 2020.
3. Wages to be reflective of the current wage rates or a 2.5% wage increase, whichever is higher.

The ANMF would like to meet with members to answer questions and discuss options for resolving this matter and securing an enterprise agreement for members at Medea Park. Noting, due to the current limitations of COVID-19, the ANMF has scheduled a Zoom teleconference meeting for **Friday 29 May 2020 at 1200 hours**. Members will shortly receive an SMS to confirm the meeting.

Instructions on how to install and join the meeting can be found here:

<https://anmftas.org.au/2020/05/zoom/>

The ANMF will continue to advocate for members during this difficult time, with further updates and advice provided as they come to hand. If you have any queries please do not hesitate to contact our Member Support Team via membersupport@anmftas.org.au or for urgent matters phone 1800 001 241.

Please note: Due to the current COVID-19 situation, our Member Support Team are now practicing social isolation measures and working from home. Bearing this in mind, email is the preferred and fastest way of contacting them.

Authorised by Emily Shepherd, Branch Secretary

25 May 2020