

ANMF EA UPDATE 8

Menarock

Seeking the assistance of the Commission

The Australian Nursing and Midwifery Federation Tasmanian Branch (ANMF) has initiated a bargaining dispute in the Fair Work Commission (FWC) on behalf of nurse members at Menarock.

Our recent survey of nurse members indicates support for fighting to retain nurses' existing entitlement to 14 weeks paid parental leave.

Accordingly, the ANMF is seeking the assistance of the FWC to resolve this issue in Enterprise Agreement (EA) bargaining.

This issue affects bargaining for the nurses agreement.

The ANMF is satisfied with the terms of the proposed non-nursing agreement, which would improve parental leave entitlements for care workers.

Fair Work Commission Proceedings

With a view to achieving a timely resolution to bargaining, the ANMF has applied to the FWC under *section 240* of the *Fair Work Act*. This provision allows the FWC to assist to resolve bargaining disputes.

Applying for the FWC to deal with a bargaining dispute can be a way to advance negotiations if the bargaining representatives have reached an impasse or deadlock in their negotiations.



Current Entitlement for Nurses

As previously reported, there is a strong argument the Menarock Nurses EA 2015 entitles nurses to 14 weeks of paid parental leave at your ordinary rate of pay for the primary carer. The wording in the 2015 EA has been carried through from the 2004 EA, where it is clear that 14 weeks of paid parental leave is to be provided at the ordinary pay rate by the employer.

The Discrepancy

Currently, Menarock is offering a "new" entitlement of 2 to 3 weeks of paid leave for all staff. They maintain that the old agreement only referred to the Government/Centrelink scheme.

However, the 2015 EA specifically mentions leave paid at your "ordinary rate." As you may know, the Government scheme only pays the national minimum wage — not your actual nursing salary. This indicates that the 2015 Agreement intended for the employer to pay the 14 weeks.

The Overall Offer

Other than the issue affecting parental leave for nurses, members have indicated they are satisfied with the wage offer put forward by Menarock management.

As previously reported, the offer is

- A wage increase of 1.5% from the date the agreement is made.
- Wage increases as necessary to guarantee wages remain at least 1.5% above Award for the life of the agreements.

The proposed agreements would have nominal expiry dates of 31 October 2027.

Menarock has offered an increase to the In-charge Allowance from \$25 to \$30 for each shift worked for Enrolled Nurses (ENs), and then an increase of 2% each year of the agreement.



Menarock management say that Registered Nurses (RNs) who are acting as In-Charge are paid at the RN Level 3 wage rate for the relevant shift.

Allowances that are expressed as a specified dollar amount, would increase as follows:

- 1.5% increase when the agreement is made; and,
- 1.5% increase on the one-year anniversary of the agreement.

Next Steps

We expect the FWC will convene a conference of the parties, known as a conciliation conference, to discuss the issue in dispute.

We will let you know when this occurs.

You can continue to provide any feedback to ANMF Southern Organiser Avril Cooper at Avril.Cooper@anmftas.org.au.

The ANMF Tasmanian Branch is 8000 plus members strong! Supporting nurses, midwives, and care workers as the only union in Tasmania employing nurses and care workers to represent members. This is why our Organisers and Member Support Team are uniquely positioned to understand your experiences, represent you in your workplace, and offer industrial advice that's relevant to you.

Authorised by Emily Shepherd, ANMF Tasmanian Branch Secretary
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