

## Department of Premier and Cabinet

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29 November 2019

Ms Emily Shepherd  
Branch Secretary  
ANMF  
182 Macquarie St  
Hobart TAS 7000

Without Prejudice

Dear Emily

Further to our discussions, I am pleased to provide you with an Offer regarding the Nurses and Midwives Agreement and Caseload Midwifery Agreement, which proposes:

### Period of Agreement

- Agreement operating for three years.

### Salaries

- 2.3% per annum with effect from the ffppcoa 1 December 2019;
- 2.3% per annum with effect from the ffppcoa 1 December 2020;
- 2.35% per annum with effect from the ffppcoa 1 December 2021.

### Professional Development

Provide an increase in the professional development allowance of \$100 per annum.

### Grade 8's and Grade 9's will receive base salary for time taken after hours while on call taking phone calls.

Provide an amendment to Clause 6(b) of the Award to provide that:

*(vii) A Grade 8 or Grade 9 Nurse who is required to undertake duties without returning to the workplace is to be paid at the base salary rate for a minimum period of one hour.*

*PROVIDED payment is to be calculated on the cumulative hours worked and be rounded up to the nearest hour.*

*PROVIDED FURTHER any requirement to undertake duties without returning to the work place that occurs within one hour of the commencement of the first requirement, in accordance with subclause (b)(vii) of this clause, for which a minimum payment is to be made, does not attract any additional payment until the time actually worked exceeds one hour.*

An amendment will also be made to subclause (v) as follows:

*(v) An employee (other than a Grade 8 or Grade 9 Nurse) required to undertake duties.....*

### Recall from Recreation Leave

Amend Clause 5 of the Award to provide that payment for any shift on the day of return from leave will be at double time for all hours worked that day and will not result in the re-crediting of recreation leave.

After this shift the employee may then return to recreation leave or may choose to go back onto their roster at ordinary pay and have the remainder of their leave re-credited.

Subclause (h)(i) will also be amended to remove the requirement to return from leave as follows:

*(i) The employer may ~~require~~ request an employee to return to work during a period of approved recreation leave. All costs associated with the return to work are to be met by the employer excluding normal fares incurred travelling to and from work.*

### **Meal Allowance**

Provide an amendment to Clause 7(b) of the Award to provide that meal allowances are claimable when an employee is required to travel more than 60 kilometre from their headquarters, as follows:

*(b) Where the duties of an employee require him/her to travel from his/her headquarters and he/she is more than ~~sixteen~~ sixty kilometres therefrom at his/her normal meal hour, that employee shall subject to this subclause....*

### **Statutory Declarations for personal leave**

Provide an amendment to the Award to provide that, in the case of personal leave, if it is not reasonably practicable for the employee to give the employer a medical certificate or other acceptable documentation, a statutory declaration made by the employee, stating the circumstances and the reasons for which leave is required is to be provided.

### **12 hour shifts and meal breaks**

Provide an amendment to Section C – Special Conditions of the Award, subclause (l)(iii) as follows:

*As a minimum requirement two paid meal breaks of twenty minutes are to be allowed to 12 hour shift workers on each shift.*

### **Day Worker Overtime Rates**

Provide that day workers who undertake overtime performing duties that relate to surgical services shall be paid double time for that overtime.

### **Caseload Midwifery Agreement**

#### **Increase in Loading for Team Leaders**

Provide an amendment to Clause 9 of the Agreement to ensure that loading, in lieu of shift penalties, for Team Leaders is 25 per cent.

#### **Define overtime in Clause 9 of the Agreement**

Amend the Agreement to provide clarity regarding entitlements for a meal break and, where a birth is imminent, for a midwife to elect to work excess hours.

### **Whole of State Service provisions**

The following matters form part of the offer for the Public Sector Unions Wages Agreement, and also extend to Nurses.

#### **Leave**

- Re-credit Recreation Leave and Parental Leave where compassionate or bereavement conditions apply, from date of Agreement.

#### **Superannuation**

- Employer superannuation contributions will be paid during unpaid Parental Leave in first 12 months with effect from the first full pay period commencing on or after the increase in salaries is agreed.

- Employer superannuation contributions will be paid for employees on workers compensation with effect from the first full pay period commencing on or after the increase in salaries is agreed.

### Family Friendly

- Paid Parental Leave to increase from 14 to 16 weeks for employees commencing paid parental leave on or after the first full pay period commencing on or after the increase in salaries is agreed.
- Paid Partner Leave (after birth of baby/adoption) to increase from 1 to 3 weeks for employees commencing paid partner leave on or after the first full pay period commencing on or after the increase in salaries is agreed.

### Salary Sacrifice for Metro Card

- Amend Clause 8 of the Public Sector Union Wages Agreement to include Metro Green Card as part of the salary sacrifice arrangements.

### Non-Agreement Matters

#### Review of Fixed Term Employment

We have had several discussions with regard to fixed term employment, including a work shop to fully understand the complexities surrounding this type of employment. As a result of these discussions, it is proposed that a review of fixed term employment is undertaken as follows:

#### Fixed Term Employees- Change of Employment Status

Agree to a one off review of fixed term employees, which will include Nurses, including a criteria for conversion to permanency. Data has now been provided to Unions on the number of fixed term employees across Government (see Appendix 1). The criteria for the review is:

*The Secretary of the Department of Health will be asked to conduct a formal review of the employment status of each fixed term nurse to either confirm the legitimacy of the fixed term employment status or change the employment status to permanent if the following criteria are met:*

- *The fixed-term has been for a continuous period of 24 months;*
- *There is clearly an ongoing requirement for those duties or similar duties;*
- *There has been 3 or more consecutive fixed-term periods of employment; and*
- *Employee preference for permanency is taken into account.*

*If a Head of Agency does not change the employment status of a fixed term nurse who meets all the criteria, the onus is on the Head of Agency to justify reasons why the status was not changed.*

*Timeframe for process – 12 months.*

This Offer remains open until COB Wednesday 11 December 2019.

I request that you take this Offer to your members for their consideration.

Yours sincerely



Donna Adams  
Lead Negotiator