

Department of Premier and Cabinet

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17 December 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 a revised Offer regarding the Nurses and Midwives Agreement which proposes:

Period of Agreement

- Agreement operating for four 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;
- 2.35% per annum with effect from the ffppcoa 1 December 2022.

Revised Classification Structure

Insertion of a new top increment from Grade 3 through to Grade 9 Nurses, which will provide the following new pay points:

Grade	Salary Rates (with 2.3% to reflect wage increase from 1 December 2019)
Grade 3, Year 9	\$83,895
Grade 4, Year 5	\$89,743
Grade 5, Year 5	\$95,383
Grade 6, Year 5	\$103,652
Grade 7a, Year 3	\$109,932
Grade 7b, Year 4	\$116,264
Grade 8, Level 6	\$136,913
Grade 9, Level 4	\$170,620

This salary structure will be implemented from the date of registration of the Agreement, and therefore the above salary levels have the 2.3% already applied.

Advancement will be as per current process.

Professional Development

Provide an increase in the professional development allowance of \$100, which provides an annual allowance of \$750.

Provide that, as of 2 December 2022, \$250 of the Professional Development Allowance will be rolled into salary, leaving a PD Allowance of \$500 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....

This proposal also includes the adoption of the HAHSa Meal Allowance Clause in the Nurses and Midwives Award as follows:

2. MEAL ALLOWANCES

(a) Where, on the determination of the Head of Agency, the nature of an employee's duties are such as to warrant free meals on duty, or where in the Head of Agency's opinion other good reason exists for the provision to an employee of free meals on duty, such meals are to be provided free of charge.

(b) *Meal Allowance – Day Travel* An employee required by their employer to undertake duties more than 60 kilometres from the employee's normal work location and who is required to purchase breakfast or an evening meal is entitled to payment of the meal allowances prescribed in subclause (d) of this clause if:

(i) in respect of breakfast, duties are commenced not less than one and a half hours before employee's normal starting time; and

(ii) in the case of dinner, duties are performed for not less than one and a half hours after the employee's normal finishing time.

(c) *Meal Allowance – Overtime* Where an employee is required to commence duty at their headquarters not less than one and a half hours before, or to remain on duty for not less than one and a half hours after, the normal hours of duty, and that requirement necessitates the employee obtaining a meal away from home, that employee shall, subject to this paragraph, be paid a meal allowance at the rates prescribed in subclause (d) of this clause:

PROVIDED that where an employee who is required to work overtime on a Saturday, Sunday or holiday with pay, has been given prior notice the previous day or earlier, the employee shall not be entitled to the meal allowance BUT where such prior notice has not been given the employee shall attract such payment.

(d) *Meal Allowance – Rates Meal*

Rate of Allowance

Breakfast \$ 13.80

Lunch 15.50

Dinner 26.40

The rates contained above are derived from the Australian Taxation Office (ATO) Taxation Determination TD2018/111, Table 1. These rates are to be adjusted from 1 July each year by taking 50% of the appropriate ATO determination for meals in Table 1 of that determination, rounded to the nearest 5 cents.

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.

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 1 December 2019.
- Employer superannuation contributions will be paid for employees on workers compensation with effect from the first full pay period commencing on or after 1 December 2019.

Family Friendly

- Paid Parental Leave to increase from 14 to 16 weeks for employees commencing paid parental leave from the first full pay period commencing on or after 1 December 2019.
- Paid Partner Leave (after birth of baby/adoption) to increase from 1 to 3 weeks for employees commencing paid partner leave from the first full pay period commencing on or after 1 December 2019.

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.

ANUM Pilot

A pilot will be undertaken at the North West Regional Hospital (NWRH) for ANUM's without a patient load. This will involve the appointment of one ANUM to a Ward in the NWRH nominated by the Department of Health. The pilot will occur on day and afternoon shifts only and the ANUM will not carry a patient load. The Department of Health and the ANMF will agree on objectives and criteria for the review. The review will be undertaken for a two year period, commencing in 2020, during this time an evaluation will be undertaken to determine the effectiveness of this model.

This Offer remains open until midday Monday 23 December 2019. Should agreement not be reached by this date and time, the Offer will be formally withdrawn. Should agreement be reached by this date, there is a commitment to provide backpay from fppcoa 1 December 2019.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'DA', with a long horizontal flourish extending to the right.

Donna Adams
Lead Negotiator