ANF mental health members endorse outcome of negotiations for Public Sector Mental Health and Forensicare Agreements and vote to cease protected industrial action

Following an extraordinary period of negotiation ANF (Vic Branch) is pleased to announce the settlement of the mental health EBA. Importantly, as in previous bargaining rounds, the outcome for mental health nurses mirrors the applicable public sector nurses’ and midwives’ Agreement outcomes.

A marathon campaign comes to a close

Last Thursday 12 July 2012 all matters were finally settled for both the Mental Health EBA 2011 and the Forensicare Agreement 2011 and today members overwhelmingly endorsed these outcomes at a meeting held at the Carson Conference Centre in ANF House.

Negotiations for the mental health nurses’ EBA began ten months ago on 28 September 2011 between ANF, the Baillieu Government and the Victorian Hospitals’ Industrial Association (VHIA) and HACSU. Conciliation proceedings began in Fair Work Australia on 27 March 2012 with the assistance of Commissioner Gooley. ANF attended the 25 conciliation conferences in the lead up to the settlement.

ANF mental health nurse members have been taking protected industrial action in 13 mental health facilities since 12 November 2011 as part of their campaign for safe mental health nursing levels in Victorian public hospitals, safe workload management measures in community mental health nursing and improved wages. This industrial action can cease now members have endorsed the settlement of the 2011-2016 Mental Health Agreement.

Unless stated otherwise, these outcomes have effect from 31 March 2012.

The following is a précis of the settled matters:

1. 2.5% wage increases on 31 March in each of 2012, 2013, 2014 and 2015, with the Agreement expiring on 31 March 2016.
2. In addition to the annual wage increase, for the first time we will have a Continuing Professional Development Allowance of $1000 in 2012 and $900 payable in two instalments of $450 on 31 March and 30 September each subsequent year. This, coupled with the wage increase, results in annual increases of between 3.5% and 4% per annum for the duration of the Agreement. For example a Graduate Nurse in 2015 will be receiving 17.95% more than a Graduate today.
3. A new career structure has been developed for Enrolled Nurses that provides greater career opportunities and absorbs the current medication and seniors allowances. As a result of the new agreed structure, many Enrolled Nurses will receive increases of between 3.91% to 13.16% in the first year.
4. Enrolled Nurses will be covered by the Registered Nurse terms and conditions of employment, guaranteeing a minimum of 5 weeks annual leave, with access to a 6th week of annual leave on the same terms as a Registered Nurse. Enrolled Nurse public holiday penalties have been aligned with those applying to Registered Nurses.

5. Enrolled Nurse change of shift allowance will be ‘capped’ at your current average number you receive per period. Existing employees will not have any reduction in change of shift allowances paid.

6. All nurses will now receive the new higher night duty penalty of $62.80 per shift (to be adjusted by the percentage wage increases), which not only means more money per night shift, but importantly means that health services will no longer have the financial imperative to avoid permanent night shift staff to save money.

7. The on-call rate will double to $50.40 per 12 hours.

8. CATT on-call allowance increases to $120.00.

9. An additional 42 EFT to be allocated over the life of the Agreement. The existing staffing allocation as at 2007 will be identified on the FWA file and ANF will forward the relevant profile to each workplace so that it can be monitored locally. The Dispute Settling Procedure will apply if there is a problem.

10. A new public holiday clause ensuring a penalty payment will apply when a nurse works the actual public holiday, overcoming the previous anomaly whereby a penalty payment did not apply when Christmas Day fell on a Saturday or Sunday.

11. Meal Allowances are now guaranteed for working overtime beyond 1 hour and again after 5 hours on a working day and overtime beyond 5 hours and again after 9 hours on a day off.

12. Overtime on public holidays will now attract a minimum of the public holiday penalty, where previously only the lesser overtime rate applied.

13. The rostered off public holiday benefit will not be affected by recall to duty.

14. CATT on call – a ten hour break must now apply after overtime consistent with the provision for all other nurses.

15. All ECT Nurse Co-ordinators will be paid RPN 4.

16. Employers will be required to implement the Caseload Management Standard through the Mental Health Workforce Implementation Committee in each workplace. The Dispute Settling Procedure will apply if there is a problem.

17. The community health centres excluded from the Single Interest Employment Authorization will now be included by a Multi – Employer Agreement. These workplaces are Ballarat Community Health Centre, Grampians Community Health Centre and Inner South Community Health Centre.

18. We have a new and much fairer Discipline Clause, requiring a full investigation and procedural fairness to all employees.

The outcome for members employed under the Forensicare Agreement includes all the applicable provisions from the public sector mental health Agreement with the following additions:

1. Forensicare Escort Team - A registered nurse undertaking the role of Escort Team Leader will be paid RPN 3 Year 5.

2. 1 EFT position to be appointed over the life of the Agreement.

**So what were the productivity offsets?**

- Existing employees retain the Change of Shift Allowance provision but new employees will not have it.
- Additional shifts above the existing staffing allocation to meet specific treatment or program requirements may be met by shifts of up to 8 hours (10 hours night duty) but not less than 4 hours. Such shifts are not for the purpose of increasing the available staffing to meet ongoing escalated demand that continues beyond the end of the shift.
- Cashing out of annual leave by agreement and conditions apply.
- An agreed process for recovery of an overpayment.
- Maternity Leave - members wanting to vary their period of maternity leave need to give no less than 4 weeks’ notice rather than 2 weeks.
- Return of property provisions.

**What the Baillieu wanted from Mental Health nurses**

Members will recall the Baillieu Government was seeking a range of outcomes from mental health nurses in the 2011 Agreement. Below is a table of the Government’s claims, none of which were achieved as claimed in this round of negotiations.
What the Baillieu Government claimed

| 1 | Employer ability to alter shift/rostering/hours/staffing allocation: | Health services seek to implement staffing and shift requirements that suit their needs including removing 8/8/10 shift patterns and RDOs. Move nurses from ward to ward/site to site during a particular shift. Decrease nursing hours on the roster without consultation. | Not achieved |

| a | Scope of practice and skill mix: | Broaden the scope of practice of PSENs and PSOs and remove the 2/3 RPN and 1/3 PSEN skill mix minimum obligation. | Not achieved |

| b | Short shifts: | Introduce unlimited 4, 5 and 6 hour short shifts with varying start and finish times for community teams and inpatient units. | Not achieved |

| c | Roster broken shifts: | Ability to roster broken shifts for all nursing staff, e.g. nurses can work 7.00-9.30am and then return on the same day to work 11.00am-3.30pm. | Not achieved |

| 2 | Wage increases: | 2.5% wage increase per annum (4 years). Any additional wage increase must come from financial savings within nursing budget and productivity cost offsets. | Not achieved see no 3 & 4 in the précis |

| 3 | Professional development leave: | PD leave only available for studies directly related to patient care in current area of practice. | Not achieved |

| 4 | Overtime: | Employers to have the ability to offer additional hours at ordinary time or time off in lieu at ordinary time rather than overtime payment or time off in lieu at overtime hours. | Not achieved |

| 5 | Sick leave: | Remove sick leave payment for those part-time staff who offer to work additional shifts and then fall sick. | Not achieved |

| 6 | Probation period on promotion: | Introduce a probation period for those staff who achieve a promotion. The employer will then have the capacity to dismiss during the probation period. | Not achieved |

| 7 | Commuted allowance: | Abolish the commuted allowance. | Not achieved |

Where to from here?

ANF is committed to working intensively with the other parties on drafting a final comprehensive Agreement (i.e. the current agreement plus the above amendments) until the document is completed to present to members to vote on. This work has begun and taken place all day Monday 16 July, Tuesday 17 July and Wednesday 18 July. The ANF is committed to completing this task in a timely manner. Once the draft is finalized the Agreement will be sent out to a ballot of all public sector mental health nurses.

Once the ballot approves the Agreement, it returns to FWA for final approval. Seven days after this the agreement will come into effect and pay outcomes can be processed.

ANF (Vic Branch) would like to thank all those who supported mental health nurses in their campaign, particularly those members who signed the online petition and voiced their support through the Respect Our Work Facebook page and website. The ANF would like to thank Commissioner Gooley for her assistance and persistence in ensuring all parties remained at the negotiating table during this protracted and complex process until an agreement was reached.

In particular, the ANF wishes to congratulate and thank members for their unwavering support, patience and commitment to this frustrating and unprecedented lengthy campaign. Members’ determination has ensured mental health nurses have not been left behind their general nurse counterparts in respect to wages and conditions outcomes.

More details will be provided as soon as practicable.

All protected industrial action is now to cease as of 2.30 pm today.