NURSES AND MIDWIVES (TASMANIAN PUBLIC SECTOR) ENTERPRISE AGREEMENT 2013

Log of Claims
Without Prejudice
PREAMBLE

This Log of Claims (LOC) has been developed following extensive consultation with Australian Nursing and Midwifery (ANMF) public sector membership. The ANMF membership has endorsed this LOC which includes the negotiation of a 12 month Agreement. This claim reflects issues conveyed through an online survey, input from Branch Council, ANF Workplace Representatives and Special Interest Group meetings, resolutions from the annual ANMF Delegates Conference, and through contact with ANMF Organisers and Information Centre. The LOC also seeks any negotiated improved benefits from the Public Sector Wages Agreement.

The key aim of this one year agreement is to address the unresolved issues of the career structure, to improve workloads and safety at work, to improve patient outcomes by nurses having access to professional development, a wage increase that will be relative to nurses in other states/territories and without loss of any current conditions.

The claim builds on the career structure by introducing career pathways in clinical, education, management and research/projects/policies streams. Unfortunately few clinical promotable positions were implemented through the life of the previous Agreement and this claim addresses the skill mix and mandates additional Nurse Practitioner Candidates and Nurse Practitioners, Clinical Nurse Educator and Clinical Co-ordinator roles. Furthermore the single spine career structure does not recognise a career pathway for nurses and midwives. To ensure a sustainable nursing and midwifery workforce, the claim includes Transition to Practice Nurse Graduate positions.

The claim also includes the requirement to have wards re-bench marked every year and provide safe staffing based on nursing hours required. The claim identifies new areas/settings where bench mark tools have to be implemented within 6 months of the new agreement being signed. Professional development claims are included to ensure a highly skilled nursing and midwifery workforce for present and future Tasmanian health requirements.

Members responding to the ANF survey indicated that bullying & harassment, double shifts and excessive use of on-call, the inability to take annual leave due staff shortages and skill-mix and the aging workforce have been significant issues of concern in the workforce. The claim seeks improvement of conditions which when implemented will provide a safe environment for nurses and patients.
THE CLAIM

The provisions of *The Nurses and Midwives Heads of Agreement 2010* to be maintained, unless as varied, below.

Unless specifically referred to in the claims set out below the ANMF is seeking the retention of all other award/agreement/existing conditions; unless otherwise negotiated.

The parties agree to consolidate all remaining terms and conditions of employment of the *Nurses (Tasmanian Public Sector) Enterprise Agreement 2007* and *The Nurses and Midwives Heads of Agreement (HoA) 2010* into the simplified *Nurses (Tasmanian State Service) Award 2012*. Upon completion of consolidation, the parties agree to retire the *Nurses (Tasmanian Public Sector) Enterprise Agreement 2007* and the *Heads of Agreement 2010*. Any outstanding terms and conditions of the Agreements are to be incorporated in the new agreement.

The ANMF is seeking to incorporate any improvements to the current nursing conditions arising from the Public Sector Union Wages Agreement (PSUWA).

1. BUILDING ON CAREER STRUCTURE

1.1. The development and introduction of the following during the life of the agreement:

(a) A four (4) stream Career Pathway

   (i) Clinical pathway comprising Primary Health and Acute Health

   (ii) Education pathway

   (iii) Management pathway

   (iv) Research/Projects/Policy pathway

(b) Review of Classification Descriptors and titles.

(c) Develop clear differentiated roles between each Grade

**Grade 1 - Assistant in Nursing (AIN)**

   (i) Limit this category of employees to include only students of nursing.

   (ii) AINs roles not implemented until regional trial agreed.

**Grade 2 – Enrolled Nurse**

   (i) Maintain 25% of skill mix where clinically appropriate as per the *Nurses (Tasmanian Public Sector) Enterprise Agreement 2007*
Grade 3/4 – Registered Nurse

(i) Access to Formal Capability Assessment at any year of service of Grade 3. Ability to seek advanced progression every 2 years at any year of service based upon Performance Development Assessment (PDA) in line with other state public sector employees.

(ii) Remove requirement for Grade 3/4 to undertake two yearly, Formal Capability Review. All Grades 3/4 will only be subject to annual PDAs.

Grade 4 – Registered Nurse

(i) Grade 4 registered nurses should have a minimum of one (1) shift each 28 day roster of indirect hours to undertake their portfolios.

(ii) Access to Grade 4 should continue to be determined using the Formal Capability Assessment (FCA) with eligibility at any year.

(iii) In addition to the FCA, promotion to Grade 4 should be available through a merit based selection process as per the State Service Act 2000.

(iv) Community Nurse
   (A) Maintain separate title of Community Health Nurse.
   (B) Access to different entry points within Grade 4 dependent on prior experience. Employees appointed during the period of the HoA 2010 to be entitled to back pay from date of appointment in recognition of previous experience.

Grade 5 – Registered Nurse

(i) All acute wards will have as a minimum a Grade 5 rostered on a morning and afternoon shift, seven days per week.

(ii) All Grade 5 will be rostered as indirect patient hours.

(iii) Review of Classification Descriptor for Grade 5.

(iv) As a minimum the following primary health nurses to be classified as Grade 5
   (A) Family Child Health Nurse
   (B) Palliative Care Nurse
(C) Community Mental Health Nurse/Crisis Assessment & Triage (CAT)

(D) Community Nurse Specialist

(E) Rural District Nurse

Grade 6 – Registered Nurse

(i) 1 FTE Clinical Nurse Educator per ward.

(ii) Appointment of Nurse Practitioner Candidate (NPC) – 6 in South, 4 in North and 2 in the North West with a minimum 1 NPC in Primary Health for each region.

Grade 7 – Registered Nurse

(i) All Grade 7 Registered Nurses to also have access to Sabbatical Leave.

(ii) NUM review recommendations to be implemented within 6 months of signing the new agreement.

Grade 7a – Registered Nurse

(i) Regional Clinical Nurse Educator (CNE) for each speciality in each region

(ii) Following positions to be included - CNE (Strategic Education Manager) and Clinical Nurse Consultant (CNC) managing resources.

Grade 7b – Registered Nurse

(i) All Nurse Unit Managers to be classified as Grade 7b.

Grade 8

(i) Appointment of Nurse Practitioners (NP) – 4 in THO South, 3 in THO North and 2 in THO North West with a minimum of 1FTE of NP in Primary Health in each region.

Grade 9 – Registered Nurse

(i) Appointment of State-wide Director of Nursing for the following specialities:

(A) Child Health And Parenting Services (CHAPS).

(B) Palliative Care.
(C) Primary Health.

**Over-lapping Pay Points**

(i) Removal of over-lapping incremental pay points (pp) at Grade 5, Grade 6, Grade 7a, Grade 7b and Grade 8.

(A) Grade 5 remove pp 20 and compress to 3 salary increments

(B) Grade 6 remove pp 23 and compress to 3 salary increments

(C) Grade 7a remove pps 25 and 26 and compress to 2 salary increments

(D) Grade 7b remove pp 28 and compress to 3 increments

(E) Grade 8 remove pp 31 and compress to 4 levels

(ii) Review classification descriptors in line with review outcomes.

2. **PATIENT CARE – WORKLOADS AND SAFETY AT WORK**

2.1 **Workloads**

(a) Maintain Nursing Hours per Patient Day (NHPPD) Consent Order T13323 of 2008.

(b) All areas/wards to be re-benchmarked annually, in accordance with the NHPPD Model.

(c) Benchmark Tools to be implemented within 6 months of the signing of the new agreement for the following areas:

(i) Birthrate Plus

(ii) CHAPS Model of Care

(iii) Renal Services

(iv) Caseload Mental Health as per Victorian Mental Health model.

(v) Holman Clinic

(d) Caseload Midwifery to be incorporated into the Award.

(e) Double shifts continue to be at unacceptable levels. Monthly Proact reports on double shifts worked to be tabled at Safe Staffing Outcome Committees and Joint Union & Management Consultative Committees (JUMIC).
2.2 Workplace Safety and Well-being

(a) During the life of the Agreement, the parties will develop strategies and policies and a risk assessment tool, in the following areas:

(i) Zero Tolerance to Violence
(ii) Ageing Workforce
(iii) Safe Access to and from work
(iv) Workplace Health and Well-being
(v) Solo Nurse
(vi) 10 and 12 hour shift
(vii) Double shifts
(viii) Leave Management Policy
(ix) Bullying and Harassment

3. IMPROVING QUALITY – PROFESSIONAL DEVELOPMENT

3.1 Professional Development

(a) Mandatory training – employees are to undertake training in paid time – whether undertaken at the workplace or at home via online access.

(b) Study leave – employees to have access to online study, including post graduate and distance education.

(c) Professional Development/conference leave

(i) All employees working 0.5FTE or greater will be entitled to 5 days paid professional development leave per calendar year.

(ii) All employees working less than 0.5FTE will be entitled to 3 days paid professional development leave per calendar year.

(iii) All employees working 0.5FTE or greater to be paid $500 Professional Development allowance annually.

(iv) All employees working less than 0.5FTE to be paid $300 Professional Development allowance annually.

(d) Rural & Remote

(i) The current Remote Professional Development Package of $3,000 to be paid in advance on 01 July each year.
(ii) Rural & Remote nurses will have access to CRANA or equivalent course annually in paid time including the payment of course fees.

(e) Preceptor entitlement

(i) All employees who are required to precept will have access to Preceptor training annually in paid time and the payment of course fees.

(f) Post Graduate Allowance

(i) Employees to be entitled to 4% Post Graduate Allowance on completion of Honours Program (4 units) at the employee’s base salary.

4. WAGES AND CONDITIONS

4.1 Wages

(a) ANF (TAS Branch) seeks a relative wage increase of effective from 1 December 2013.

(b) Penalty for late payment of all scheduled agreement increases.

(i) Any wage related increases (including allowances) not paid on the date stipulated within the agreement will attract the following penalties:

(A) Late payment by one pay period, 5% p.a. interest accruing daily.

(B) Late payment by 2 pay periods or more, 10% p.a. interest accruing daily.

(c) Allowances increases

(i) Wage Related Allowances will continue to increase in line with wage increases included in the Agreement

(A) Non-wage Related Allowances will be increased in accordance with movements in allowances prescribed by the Tasmanian Industrial Commission’s Minimum Wage Decision.

4.2 Conditions

(a) Paid meal-break for identified areas

A paid meal break shall be rostered where an employee is unable to leave their area/ward due to clinical and/or safety needs.
(b) Casual Employees

(i) Loading

(A) All casual employees to be paid 25% loading in lieu of paid leave entitlements and holidays with pay.

(B) All casual employees to be paid 250% of their ordinary rate which is inclusive of the casual loading for hours worked on a public holiday.

(C) Casual employee rostered to work a 6 hour shift and is requested to extend beyond this period, will be paid at the relevant overtime rate for the hours worked beyond this period.

(c) Leave

(i) Public holiday

In addition to the Public Holiday Entitlements Joint Fact Sheet dated 14/04/2011 (HoA 2010)

(A) Any employee rostered to work on a public holiday will be able to elect one of the following options:

(I) Paid 250% of ordinary rate for hours worked on a public holiday or;

(II) Paid 150% of ordinary rate and accrue additional annual leave for hours worked on a public holiday.

(d) Shift workers

(i) Any employee classified as a shift worker is entitled to have an additional 38 hours of annual leave with the removal of the requirement to work 20 weekend shifts.

(ii) Any employee rostered to work a 6 hour shift and is requested to extend beyond this period, will be paid at the relevant overtime rate for the hours worked beyond this period.

(e) On-Call/Recall – impact on leave and break between shifts

(i) On-Call Leave Accrual

Nursing staff participating in the on-call roster will be entitled to accrue paid On-Call Leave.

(A) One (1) hour on-call will accrue 3.7 minutes of paid on-call leave.
(B) On-Call Leave will be credited after each financial year and must be taken within 12 months of being credited.

(C) This on call leave does not attract annual leave loading.

(D) All employees are to receive four (4) clear days per fortnight guaranteed free of on-call or recall unless otherwise agreed. A “day” for the purposes of this clause is an unbroken 24 hour period.

(E) A call period for the purpose of this clause is maximum 12 hours.

(ii) Any employee rostered on-call and who is recalled to duty is to be entitled to be absent from work, without loss of pay, until or unless they have been off duty for a continuous period of 8 hours on completion of the recall. There will be no disadvantage for a shift already rostered. Reasonable travel time must be added to the 8 hour period of break from work.

(iii) Any day worker employee rostered on-call who is recalled to duty is to be entitled to be paid

(A) For the first recall a minimum payment of four hours’ work at double time, applicable to the employee’s salary; and

(B) For each subsequent recall a minimum payment of three hours’ work at double time, applicable to the employee’s salary;

(f) Recruitment and Retention

(i) Transfer of Employment Status of a nurse employee from Fixed-Term Employee to Permanent Employee on the completion of 1 year of employment.

(ii) Rural & Remote

(A) Establish a register/pool of nurses (pool) willing to work in the areas.

(B) Provision of free accommodation and paid travel as incentives for working in Remote Areas

(C) Continue with graduate incentive program as per HoA 2010

(D) Inclusion of Bruny Island in Remote sites

(E) Inclusion of New Norfolk in Rural sites
(iii) To ensure a sustainable future workforce the employer is to make available state-wide 150 FTE Graduate Nurse positions per annum.

(g) Continuing previous Entitlements of Nurses and Midwives Heads of Agreement 2010 (HoA 2010) and Nurses (Tasmanian Public Sector) Enterprise Agreement 2007 including but not limited to:

(i) Maintain in-charge allowance for Grade 4 nurses whether in charge of another Grade 4 or is the only Grade 4 in-charge of the shift (5.4.11).

(ii) Maintain private plated cars for Executive Directors of Nursing (and equivalent) (5.4.13).

(iii) Maintain purchase of additional annual leave as a separate entitlement to State Service Accumulated Leave Scheme (SSALS) (5.5.3).

(iv) Maintain Multi-Disciplinary Allowance for Community Mental Health nurses (5.6.1).

(v) All outstanding Classification Reviews to be undertaken before signing of the new agreement (Schedule 3).