



SUMMARY OF CHANGES AND INTENT

NURSES AND MIDWIVES (VICTORIAN PUBLIC SECTOR) (SINGLE INTEREST EMPLOYERS) ENTERPRISE AGREEMENT 2020 - 2024

Definitions

Current Agreement - *Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2016-2020.*

DOH – Department of Health

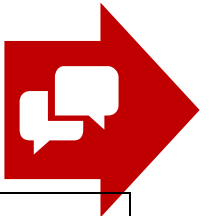
FFPPOA – First full pay period on or after

FWA – refers to *Fair Work Act 2009*

Proposed Agreement – *Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2020-2024.*

SPCA – *Safe Patient Care Act 2015*

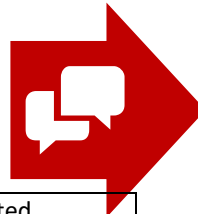
PROPOSED AGREEMENT CLAUSE NUMBER	SUBJECT	CHANGE
PART A – PRELIMINARY		
Title	Title of Proposed Agreement	Amended to reflect new operational dates.
CI 4.1(f) (NEW)	Definitions – AMUM	Inserted definition of AMUM comparable to the existing definition applying to ANUMs.
CI 4.1(h)	Definitions - bank employee	Amended to clarify midwives are able to be part of the bank.
CI 4.1(i)	Definitions – Base Rate	Changes to classification structures during Current Agreement resulted in new terminology. This change reflects new terminology.
CI 4.1(j)	Definitions – Campus	Definition inserted with intention of reflecting status quo with express exclusions of Community Health DHSV, low care aged care facilities (see SPCA) and where employer provides service on someone else’s campus.
CI 4.1(n) (NEW)	Definitions – DOM	Insertion of definition of DOM comparable to existing definition applying to DONs.
CI 4.1(p)	Definitions – Early Parenting Centre	Amended definition of EPC to provide clarity and coverage where new EPC’s are established during the life of the Proposed Agreement.



CI 4.1(r)	Definitions – Employee	Definition amended to include Registered Undergraduate Student of Midwifery (RUSOM).
CI 4.1(t)	Definitions – Enrolled Nurse	Amended definition to clarify that the delineation between this Agreement and the Mental Health Agreement based in an organisational test. See Fair Work Commission Full Bench decision [2021]FWCFB3537.
CI 4.1(v)	Definitions - Experience – (International Experience)	Amended to reflect previous guidance material and recent changes in requirements of the NMBA.
CI 4.1(w)	Definitions – A Year of Experience	Amended to provide clarity of anniversary date for a Midwife, and applicability of definition.
CI 4.1(cc)	Definitions – IQNM	Insertion of definition of internationally trained nurse or midwife.
CI 4(ee)	Definitions - No Lift Coordinator	Amended to remove references to ‘implementation and maintenance of’ as they are no longer required.
CI 4.1(ff) (NEW)	Definitions - MUM	Insertion of definition of MUM comparable to existing NUM definition.
CI 4.1(gg)	Definitions - NUM	Amended to reflect the three level Nurse Unit Manager structure.
CI 4.1 (hh)	Definitions - Nurse	Reference to midwives removed as a separate definition of midwife will be included.
CI 4.1 (kk) (NEW)	Definitions - Public Mental Health Services	Definition included to refer to the service, department, unit or program of the Employer rather than the duties of the individual employee. Specific example regarding ED coverage and ED Hubs as per DHHS Guidelines.
CI 4.1(nn)	Definitions - Registered Nurse	Amended definition to clarify that the delineation between this Agreement and the Mental Health Agreement based in an organisational test. See Fair Work Commission Full Bench decision [2021]FWCFB3537.
CI 4.1(oo) (NEW)	Definitions - Registered Midwife or Midwife	Inserted definition of Registered Midwife or Midwife.
4.1(kk) (of Current Agreement)	Definitions - SDPPWG	Removed as term is now redundant.
CI 4.6	Definitions – Appropriate Classifications	Inserted provision to ensure that where there is no apparent classification within the Proposed Agreement the classification will be determined by the Panel.
CI 7.2	Date and Period of Operation	Amended to reflect new date and period of operation until 30 April 2024.



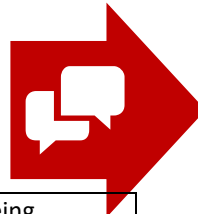
CI 9.3	No Extra Claims	Amended to reflect new dates and removal of terms that outline wage increases in the Current Agreement (as these will be addressed in another clause).
CI 10A (NEW)	Gender Based Discrimination	Parties have agreed to establish an industry level standing committee of representative CEOs (or nominee), ANMF and VHIA to review audit results and promote gender equity initiatives.
PART B - CONSULTATION, DISPUTE RESOLUTION AND DISCIPLINE		
CI 11.1	Consultation regarding Major Change	Amendment to clarify that consultation is to include, where practical those employees who are absent on leave including on workers' compensation leave.
CI 11.3(b)	Consultation – Consultation steps and indicative timelines	Additional statement (at 11.3) to make clear that timeframes are indicative.
CI 11.3(c)	Consultation – Consultation steps and indicative timelines	Step 3 of the indicative timelines to be amended to clarify that the prescribed meeting requirements do not act to limit the number of meetings the parties can agree to have.
CI 11.4(a)(iii)	Consultation – Change Impact Statement	Existing term amended to provide greater clarity with respect to OHS issues.
CI 11.4(a)(vi)	Consultation – Change Impact Statement	Where relevant to a proposed change, existing and amended position descriptions to be provided.
CI 11.4(b)	Consultation – Change Impact Statement	New subclause requiring that concerns over a Change Impact Statement are raised as soon as practicable.
CI 11A	Consultation – Changes to rostered hours of work	Clarification that 11A applies where a change to regular rosters or ordinary hours of work does not constitute 'major change' in accordance with subclause 11.2(c).
CI 11A.3	Consultation – Changes to rostered hours	No requirement to for full consultation process where a change to rosters or ordinary hours is a consequence of employee working irregular, sporadic or unpredictable working hours, self-rostering or a rotating roster.
CI 11B	No amalgamation of wards without agreement of Union and Employer	New requirement for agreement between the Unions and employer to amalgamate wards where it would result in increased workload (e.g. NUM and ANUM's who are not subject to Safe Patient Care Act requirements) or increased patient risk.



CI 12	Redundancy and Associated Entitlements – Change in Terminology	The new 4 stream classification structure refers to levels as well as grades. Terminology has been updated throughout the Proposed Agreement to reflect this.
CI 12.2(d)	Redundancy and Associated Entitlements – Definition of Continuity of Service	Clarifying the purpose of the definition of Continuity of Service by referencing sub-clause 12.8.
CI 12.2(e)	Redundancy and Associated Entitlements – Definition of Level	Definition of Level has been inserted in recognition of the new classification structure
CI 12.3(c)	Redundancy and Associated Entitlements – Employee Preference Clause	Amended clause to provide that in a ‘spill and fill’ scenario, the affected employees who are ‘spilled’ are considered first. In this context, ‘ spill and fill ’ refers to a decision to reduce the number of employees required to do existing work. This change is to align clause with terms of State Government IR Policies (as it relates to priority in redeployment in redundancy) which are applicable to public health services.
CI 12.4	Redundancy and Associated Entitlements	Amendment to refer to ‘career planning’ as support that may be provided to redundant employees. This change is to align clause with terms of State Government IR Policies which are applicable to public health services.
CI 12.5(a)(i)	Redundancy and Associated Entitlements – Salary Maintenance	The new 4 stream classification structure refers to levels as well as grades. Terminology has been updated throughout the Proposed Agreement to reflect this.
CI 12.6(d)	Redundancy and Associated Entitlements – Relocation	Existing Relocation allowance of up to \$1,900.00 is connected to a written estimate from the affected Employee. Related claims found at clause 37.
CI 12.6(e)	Redundancy and Associated Entitlements – Relocation	Removed references to the commissioning of Victorian Comprehensive Cancer Centres as this has occurred and is no longer necessary.
CI 13.1(b)	Dispute Resolution Procedure	Amended to clarify that the Dispute Resolution Procedure applies to requests for flexible working arrangements.



CI 13.1(c)	Dispute Resolution Procedure	Inserted definition of Party to refer to Employee/s or Employer (as defined in the Proposed Agreement) that are subject to the dispute.
CI 13.4(a)(i)	Dispute Resolution Procedure – Discussion of dispute	Amended to allow dispute discussions to occur with an Employees ‘relevant manager’ or line manager.
CI 13.4(a)	Dispute Resolution Procedure – Discussion of dispute	Amended to allow for discussions to be conducted in writing if agreed.
CI 13.4 (c)	Dispute Resolution Procedure – Discussion of dispute	Insertion of obligation on one party to notify the other as soon as practical, in writing, where they believe the dispute resolution process at 13.4 is not being complied with. This will ensure the dispute resolution process is not held up at the end, due to a complaint that the discussion of dispute at the workplace level was not complied with.
CI 13.8	Dispute Resolution Procedure	Amended to make specific reference to section 596 of the Fair Work Act which requires lawyers and paid agents to seek permission to appear at the Commission.
CI 13.9	Interaction with Statewide Industry Panel	Insertion of provision that clarifies that where an application for review of an existing classification is made to the Statewide Industry Panel the Dispute Resolution Procedure may also be used by either party, however arbitration under 13.7 may only occur by mutual agreement
CI 14.1(a), (c)	Statewide Industry Panel (SIP) - Application	Broaden the scope of the SIP to include responsibility over: <ol style="list-style-type: none"> 1. Roles that do not fit within the existing classification structure, 2. Classification disputes under the existing structure. Access to FWC will be retained.
CI 14.2(f)-(g)	Statewide Industry Panel (SIP) – Panel	Amendment to clarify that parties will bear their own cost. The Panel will also be responsible for determining their own procedure consistent with the wider clause.
CI 14.3 - CI 14.4	Statewide Industry Panel (SIP) – Application to Panel where not subject to an existing classification	Amended to allow for employee-initiated applications, through the ANMF, after engagement with employer. In addition, the clause has been amended to provide a time frame and application process to follow.



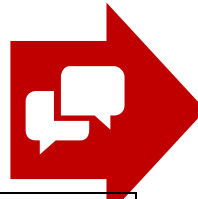
CI 14.7	Statewide Industry Panel (SIP) – Additional role of the Chairperson	Amended to provide an addition role for the panel where a decision may result in additional funding being required the Chairperson will: <ol style="list-style-type: none"> 1. Hear from DOH; and 2. that the DOH interests are given due consideration
CI 14.9	Statewide Industry Panel (SIP) – Development and finalisation of Classification descriptors	The SIP will also have responsibility over the Development and finalisation of Classification descriptors including the following: <ol style="list-style-type: none"> 1. Finalise the three level Nurse/Midwife Unit Manager classification descriptors, 2. Develop and finalise classification descriptors for the CAPR classification stream (liaison, clinical coordinators and advanced practice, recognising the work the SCC completed) and associated translation arrangements, 3. Review CNC descriptors.
CI 15	Discipline - Title	Rename ‘Managing Conduct and Performance’
CI 15.1(d) (NEW)	Discipline – Applications	Amended to require Employers to act on conduct or performance issues as soon as reasonably practicable after becoming aware of issue.
CI 15.1(e) (NEW)	Discipline – Exception - Employees who have not completed a minimum period of employment with their Employer	Exclusion of those yet to complete minimum employment period (probationary period) from ‘3 step’ discipline process. Procedural fairness requirements still apply.
CI 15.3(c)-(d) (NEW)	Discipline – Investigative Procedure	Inclusion of ability for employee to waive the need for an investigation where the concern is undisputed, while still raising matters in mitigation before a disciplinary sanction (if any) is decided.
CI 15.4(b)(ii)	Procedure to address poor Performance or Misconduct	Amended to ensure that the Employer provides the Employee with reasonable time to provide information in mitigation of any matters after being provided outcome of the investigation process, including the basis of any conclusion.
CI 15.5	Discipline – Possible outcomes	Restructure of clause to distinguish between conduct that does not constitute serious and wilful misconduct and conduct that does.
CI 15.5(a)(ii)(B)	Discipline – Possible Outcomes	Clarification that a final warning given without following the steps in subclauses 15.5(a)(i) can only be given in the case of serious and wilful misconduct.
CI 15.5(c)	Discipline – Possible Outcomes	Amended to exclude employers from relying on counselling records after a period of 12 (or where applicable 18 months) has elapsed.



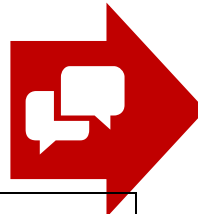
CI 15.7 (NEW)	Discipline – Performance Management	New term to specify that performance management can occur at same time as disciplinary action, however, cannot impose an additional sanction.
CI 16	Flexible Working Arrangements	ANMF and VHIA to draft a Guide outlining the legislative requirements to support flexible working arrangements.
CI 16	Flexible Working Arrangements	Increased transparency with respect to an employee's right to request a Flexible Working Arrangements and individual flexibility arrangements.
CI 16.11	Flexible Working Arrangements	Amended to clarify that 16.11 An Employee or Employer may choose to be represented at a meeting under subclause 16.10 by a representative including a Union or employer organisation.
CI 16A (NEW)	Individual Flexible Working Arrangements	Inclusion if flexibility term in the Proposed Agreement proper rather than the model flexibility term being an appendix.
PART C - TYPES OF EMPLOYMENT, COMMENCEMENT OF EMPLOYMENT AND END OF EMPLOYMENT		
CI 19.7(f) (of Current Agreement)	Casual employment	Removed the reference to long service leave (70.5(b)) from entitlements casuals do not have access to as casual employees are entitled to long service leave under the long service leave Act. Casuals are now specifically reference in clause 70, which details their entitlements.
CI 19.6(f)	Casual employment	Inclusion of reference to absence on defence leave to the list of entitlements casuals are not entitled to.
CI 19.6(g)	Casual employment	Clarification that casuals are entitled to payment for mandatory training.
CI 19.6(l)	Casual employment	Inclusion of reference to special disaster leave to the list of entitlements casuals are not entitled to.
CI 19.6(l)	Casual employment	Inclusion of reference to unpaid ceremonial leave to the list of entitlements casuals are entitled to.
CI 21.1	Fixed Term Employment – definition	Defined a fixed term employee and included the exception that Fixed Term Employment cannot be used to fill an ongoing position. The definition assists in enabling the below changes.
CI 21.3	Fixed Term Employment – circumstances for use	Amend clause to provide examples of when Fixed Term Employment can be used. Addition of references to backfill and long- term leave as examples of when Fixed Term Employment can be used.
CI 22.2 (NEW)	Letter of Appointment	Amended to require Employers to confirm variation to contract in writing.
CI 23.3 (NEW)	Notice Period Before Termination	Certificate of service to be provided within 14 days where practicable upon termination.
PART D - WAGES		



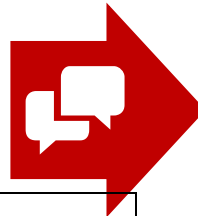
CI 25	Salary	Updated clause to reflect wage rates to be payable in the Proposed Agreement: (a) from the FFPPOA 1 December 2020 – 3% (b) from the FFPPOA 1 December 2021 – 3% (c) from the FFPPOA 1 December 2022 – 3%
CI 26	Payment of Wages – Title	Amended title to ‘Payment of Wages, Employee Records and Related Matters’
CI 26.2(a)	Payment of Wages	Amended to reflect requirement to state the name or number of the fund that a deduction is paid to. Aligns with existing statutory obligation.
CI 26.2(c) (NEW)	Records	Inclusion of reference to the Fair Work Act’s record keeping obligations.
CI 26.3	Payment of wages - termination	Amended to provide that where employee terminates employment, outstanding payments made as soon as practicable but no later than the ordinary pay day following end of employment.
26.5 (NEW)	Salary – Biometrics	Requirement to engage where employee has genuine difficulty complying with biometrics systems and consider measures to mitigate or avert.
CI 27.2	Superannuation – Existing Employees	Clause amended to clarify that clause 27.2 (employee choice of fund) applies to both employer and employee contributions.
CI 27.6	Superannuation – during parental leave – from 1 July 2021	Inserted provision for superannuation to be paid as though at work during any period of parental leave.
CI 27.6(b)	Superannuation – during parental leave – from 1 July 2021	Inserted specific calculation for the payment of superannuation to be paid on parental leave.
PART E - ALLOWANCES AND REIMBURSEMENTS		
30	Allowances	Updated clause to reflect allowance rates to be payable in the Proposed Agreement: (a) from the FFPPOA 1 December 2020 – 3% (b) from the FFPPOA 1 December 2021 – 3% (c) from the FFPPOA 1 December 2022 – 3%
CI 30A (NEW)	Lead Apron Allowance	Inclusion of lead apron allowance to employees required to wear one in the course of their usual duties of \$8 per shift from 1 July 2020. Not pro-rata.



CI 31.1(a)(iii) and (c), 31.4(e) (NEW)	Cert IV TAE Allowance	3.5% qualification allowance payable to employees required by their employer to hold a Cert IV in TAE. Effective FFPPOA 1 January 2021. Employee can receive one qualification allowance only.
CI 32.1	Rural and Isolated Practice Allowance	RIPN allowance preserved and existing allowance available to new candidates.
CI 32.3 (of Current Agreement)	Removal of transition clause in Rural and Isolated Practice Allowance	Removal of transition clause as no longer required.
CI 33.4	Travel and Recall Allowance	Amended to clarify that the allowance is payable where the employee is not technically at 'home' but still on recall.
CI 34(c)	Shift Allowance – Sunday Night Shift Allowance	Parties agreed to implement a data collection system and trial to test unplanned absences on weekends. From 1 July 2023 on a trial basis full time or part time employees finishing on a Monday after commencing duty on a Sunday will be paid a higher Sunday night duty allowance.
CI 35	Higher Duties – Inclusion of the term Level.	The new 4 stream classification structure refers to levels as well as grades. Terminology has been updated throughout the Proposed Agreement to reflect this.
CI 35.1	Higher Duties	Removed italicised note referring to 'RN or Midwife' and added to 35.1.
CI 35.2	Higher duties – Enrolled Nurses	Inserted clause for ENs to receive higher duties entitlement when in charge of a high care aged care ward where no RN is available. The EN must have access to an RN during the shift. In a high care residential aged care ward, an Enrolled Nurse can only be appointed to replace an ANUM where an RN is not available.
CI 35.4	Higher Duties – Entitlement for an ANUM acting as a NUM	Terminology has been updated throughout the Proposed Agreement to reflect the new Nurse Manager Structure.
CI 35.6	Higher Duties – Entitlement for a RN acting as a NUM	Existing italicised note at the beginning of the clause is now incorporated as part of the substantive clause.
CI 35.6	Higher Duties – Entitlement for a RN acting as a NUM	Terminology has been updated throughout the Proposed Agreement to reflect the new Nurse Manager Structure.



<p>CI 36</p>	<p>Vehicle Allowance</p>	<p>Removal of outdated PMU terminology. Two rates will be retained as follows:</p> <p>Lower Rate - 4 cylinder and Electric</p> <p>Higher Rate – 5 cylinder and above</p> <p>Inclusion of the following minimum payments per occasions of claiming the allowance:</p> <p>Year 1 - 70c – From 1/04/2019</p> <p>Year 2 - 72c – From 1/12/2020</p> <p>Year 3 - 75c – From 1/12/2021</p> <p>Year 4 – 77c – From 1/12/2022</p>
<p>CI 37</p>	<p>Travelling and Relocation</p>	<p>Amended clause 37 (Travel and Relocation) to address payments for travel and relocation expenses where this does not occur as the result of a redundancy as follows:</p> <ol style="list-style-type: none"> 1. Where an Employee is required by the Employer to temporarily relocate from their Base Employment Campus to another Campus during a shift. 2. Where an Employee is required by the Employer to temporarily relocate from their Base Employment Campus to another Campus prior to a shift. 3. Where an Employee is required by the Employer to permanently relocate from their Base Employment Campus to another Campus as a result of redundancy; and 4. Where an Employee's position is required by the Employer to permanently relocate from their Base Employment Campus to another Campus and the Employee's position is not redundant,
<p>CI 37.6</p>	<p>Travelling and Relocation</p>	<p>The above amendments do not apply to the following:</p> <ol style="list-style-type: none"> 1. an Employee whose role goes across campuses. 2. Employees who genuinely choose to work across different campuses and it is not a requirement of the Employer, such as where an Employee elects to pick up an additional shift/s on another Campus on a permanent or ad hoc basis. 3. Casuals. 4. in the case of subclauses 37.3 and 37.5, the Stand-Alone Community Health Centres specified in Appendix 1 of this Proposed Agreement.
<p>CI 38.6</p>	<p>Uniform and Laundry Allowance</p>	<p>Relocated definition of uniform from 83.1.</p>



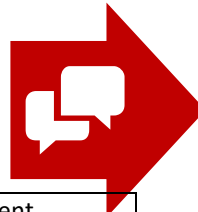
CI 41	Change of shift allowance preservation – ENs only	Incorrect cross references have been corrected.
PART F - HOURS OF WORK AND RELATED MATTERS		
CI 42.1(d)	Hours of Work	Relocated 10-hour shifts from requiring mutual agreement to being able to be rostered without agreement. This is in the context of a, five-week period – 190 hours worked as nineteen night shifts of ten hours each.
CI 42.6 (NEW)	Default shift length and times – 8:8:10 roster	4 additional health services named to comply with 8:8:10 roster, save for exclusion of those in non 24/7 wards. Health Services are as follows: <ul style="list-style-type: none"> • East Wimmera Health Service (Charlton, Wycheproof and Birchip campuses); • Edenhope and District Memorial Hospital; • Western District Health Service (Hamilton and Penshurst campuses); and • Kerang District Health.
CI 42.8(c) (NEW)	Hours of Work – 12 Hour Shift Agreement	Defined meal breaks for 12-hour shifts as follows: <ul style="list-style-type: none"> • 1 x 30 min unpaid meal break; and • 1 x 20 min paid meal break; and • 3x 10 min paid tea breaks
CI 42.8(d) (NEW)	Hours of Work – 12 Hour Shift Agreement	Specifies how a 12-hour shift agreement / trial can be terminated.
CI 44.1(c)	Meal Breaks	Minor wording amendments to clarify entitlements to crib time where an employee is unable to take a break.
CI 44.1(d) (NEW)	Meal Breaks	Inclusion of escalation process where a meal break is not taken to ensure take at another time and / or consider factors that resulted in meal break not being taken.
CI 44.3 (NEW)	Clothing Change Break	Requirement to have local agreements for employees who are required to change at the hospital (such as theatre staff). Clothing change is to occur during the shift.
CI 45.1(b)	Rosters	Rosters posted 28 days in advance rather than 14 days.
CI 45.1(c)	Rosters	Insertion of requirement for the roster reflects as far as practicable the roster an employee will work.
CI 45.1	Rosters	Specific clause to clarify that Employers are able to issue the roster in electronic form.
CI 45.2(d)	Rosters – change of roster payments	Clarity that changes to the roster will not occur without 14 days’ notice other than an emergency situation. Emergency situation is clarified to be a situation is external to the Employer.



CI 45.4.(a)(ii)	Rosters – Fixed Rosters	Clarification as to which hours are fixed. Retention of ability to ‘unfix’ roster by consultation.
45.5(a)(iii)	Rosters - Replacing unplanned absences (inspection of records)	Clarification that existing reference to ‘Union’ being able to inspect records of attempts to replace a vacancy includes a local Union representative.
CI 45.6	On-call Rosters	Inclusion of planned on-call rostering requirements. Roster to be posted 28 days in advance. ‘Change of roster’ provisions to apply to on call roster also.
CI 45.7	Change of Roster Allowance	Change of roster allowance to be paid as follows: <ul style="list-style-type: none"> • 7 days’ or less notice, 5 per cent of the Base Rate (as defined). • 8 to 14 days’ notice, 2.5 per cent of the Base Rate (as defined). Excludes emergencies external to the employer.
CI 48.2	Special Rates – Saturday and Sunday	Insertion of casual weekend rate, of 175%.
CI 49.2(a)(iv)	Overtime – Overtime penalty rates	Reference to recall on a public holiday included for clarity.
CI 49.2(d) (NEW)	Overtime – Casual overtime penalty rates	Amend to reflect loading in overtime payments.
49.2(e) (NEW)	Overtime – Overtime penalty rates	Clarification that where a period of overtime commences on one calendar day and finishes on another, the calculation of overtime is treated as a single overtime period.
CI 49.2(g) (NEW)	Overtime – Rest break during overtime	Requirement for a 20-minute paid break for each 4 hours of overtime worked.
CI 49.4 (NEW)	Overtime – Approval of Overtime	Clarification as to when a direction to work overtime is authorised. That is, clarity regarding an in-charge nurse approving overtime being a valid request. Clarification that an Employer may create policies and procedures regarding the process’ of approving overtime.
CI 50 (NEW)	Recall - Return to Workplace	Time spent travelling to and from the place of duty will be deemed time worked.
CI 50.5 (NEW)	Emergency on-call/ recall	Insert provision in clause 50 that from 1 July 2021, Employees rostered on-call for the purposes of recall to staff an emergency in a Catheter Laboratory or Operating Theatre will not also work non-emergency overtime at end of shift. If this can’t be avoided, treated as a recall.



CI 51.1	Recall – Without Return to Workplace	Amended to include ‘Computer’ as example of recall without return to work.
CI 51.2 (NEW)	Recall – Without Return to Workplace	Cumulative recall requires rest period of 8 hours after multiple calls over 4 hours period or exceeding 2 hours work and the employee is rostered to work within 4 hours of the last recall.
PART G - PUBLIC HOLIDAYS, LEAVE AND RELATED MATTERS		
CI 56.4	Public Holidays – Substitute Public Holidays	Amended to comply with section 115(3) of the FWA which does not allow collective public holiday substitution. New term permits individual substitution.
CI 56.8	Public Holidays – Part-time Employees	Relocation of existing provision regarding public holiday not required to work entitlement to separate clause to clarify applicability to Full-Time and Part-Time Employees.
CI 56.11	Public Holidays – Recall on a public holiday	Direct reference to clause 49.2(a)(iv) for clarity. Cross reference to both full and part time employees.
CI 57.1(b) (NEW)	Annual Leave – Weekend Workers	From 1 July 2022, 6th week of annual available to part time and new full-time employees who works ordinary hours on 10 or more weekends per year. Where less than 10 occasions are worked per year the employee will receive a pro rata entitlement. Full time workers who currently qualify as weekend workers under existing definition have entitlement preserved. The clause includes a Savings Provision to ensure that Employees defined as ‘weekend workers’ under the Current Agreement will maintain their current arrangements where the Employee would be worse off under the Proposed Agreement.
CI 57.1(d)	Annual Leave – Undertaking	Inserted Current Agreement undertaking into clause 57.1(d).
57.2	Annual Leave – Part time Employees	Inclusion of Example about how part time employees will accrue Annual leave to increase clarity within the Proposed Agreement.
CI 57.3(e)	Annual Leave – Responding to Requests	Requirement to respond to leave requests within 10 weekdays except for high demand holiday periods.
CI 57.3(f) (NEW)	Annual Leave - High demand periods	Requirement for employers to publish a ‘high demand public holiday approval process’.



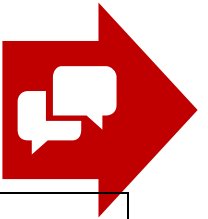
CI 57.4	Annual Leave – Excess annual Leave	Amended to align with modern award requirements (which were amended during the term of the Current Agreement). Clause now includes a requirement to genuinely try to reach agreement on how to reduce or eliminate the excess leave accrual.
CI 57.5 (NEW)	Annual Leave – Excess annual Leave	Insertion of Employer’s ability to direct an Employee to take the excess AL (with at least 8 weeks’ notice) where the Employee has failed to produce a leave reduction plan within 3 weeks of being directed to do so.
CI 57.5(c) (NEW)	Annual Leave – Excess annual Leave	<p>Insertion of Employees’ ability to give written notice to request leave where the Employee has genuinely tried to reach agreement with the Employer. Notice maybe given where:</p> <ol style="list-style-type: none"> 1. The employee has had excess annual leave for 6 month or more. 2. If the employee has not received a direction from the employer. <p>Notice may not be given where:</p> <ol style="list-style-type: none"> 1. The employee would be left with less than 6 weeks annual leave. 2. It is for a period of less than 1 week. 3. Where the notice is less than 8 weeks or more than 12 months after the notice has been given.
CI 57.5(e)	Annual Leave – Disputes regarding excess annual leave	Amend clause to include ‘Leave reduction plan’ under the ‘disputes regarding excess annual leave’ sub-clause for clarity.
CI 57.8(a)(ii) (NEW)	Annual Leave – Part timers	Employees paid at average hours over a 12-month period rather than contracted weekly hours.
CI 57.11(b)	Annual Leave - Determining Projected Roster	Where no projected roster is available the roster for the 12 weeks immediately preceding the leave period will be used, excluding any periods where the employee was not on the roster.
CI 61.1	Personal Leave – Amount of paid leave	Amended to refer hours ‘or as per the NES’ to ensure compliance
CI 61.8	Personal Leave – Portability of Personal Leave	Drafting clarifies that Employees can transfer their personal leave where they terminate permanent service at Employer A (and remain on casual bank) and move to permanent employment at Employer B.
CI 63.2	Fitness for Work	Inclusion of heading “Addressing concerns about Fitness for Work” for clarity.
CI 63.2(b)	Fitness for Work	Inclusion of reference to obligations under the <i>Health Records Act 2001</i> (Vic) to make clear that clause does not create a distinct right to inspect an employee’s medical records.



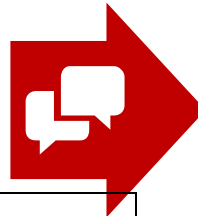
Cl 63.2(e)	Fitness for Work	Amendment to process to obtain report from employee's treating medical practitioner. The employer may request the medical report from the Employee, it is the employee's responsibility to provide the report.
Cl 63.2(f)	Fitness for Work	Inclusion of stepped process for employers including (where possible) discussion before requiring Employee to attend an IME. The Employee will: <ol style="list-style-type: none"> 1. advise the Employer of the Employee's treating medical practitioner. 2. provide a copy of the report to the Employer; and 3. meet with the Employer to discuss any report. <p>Clarification that IME cost met by Employer. Requirement to provide report to Employee and discuss it.</p>
Cl 63.2(h)	Fitness for Work – Employee consultation and right to supplement information	Clarify that the employee has the right to provide supplementary material to the IME and meet with the Employer prior to attending the IME.
Cl 63.2(i)	Fitness for Work – Relationship to WIRC	63.2 does not apply to an injury that is the subject of an active WorkCover claim, which are addressed by WIRC Act including the Employer's obligation to provide a safe work environment.
Cl 63.2(j)	Fitness for Work – Safe work environment is paramount	Clarification that nothing in clause 63.2 prevents an Employer from taking any reasonable step in the workplace to ensure a safe work environment
Cl 68.2(d)	Paid Parental Leave	As at 1 April 2021 upon 6 months continuous service the employee will become eligible to parental leave (including paid parental leave).
Cl 68.5(a)(i)(A), Cl 68.5(a)(ii)(A)	Parental Leave	Amended clause to clarify that the paid long parental leave must be taken contemporaneously with the birth or placement of the child and not available at a later time.
Cl 68.5(a)(ii) (NEW)	Paid Parental Leave	Increased Paid Parental Leave to 14 weeks for primary carer and 2 weeks for nonprimary carer commencing on or after 1 April 2021.
Cl 68.11	Parental Leave – Variation of Unpaid Parental Leave up to 12 months	Reflection of s. 75 of Fair Work Act for parental leave extension to be by mutual agreement.
Cl 68.11	Parental Leave – Variation of period of unpaid parental leave (up to 12 months)	Redrafting to reflect NES requirements at s. 76.



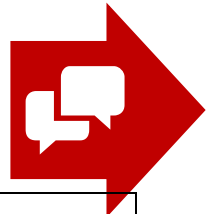
CI 68.1(b)	Parental Leave	Employees able to request an earlier return to work date, the request will not be unreasonably refused consistent with s. 77 of Fair Work Act
CI 68.18(d)	Parental Leave	Clarification that the 10 keeping in touch days could be 20 if the parental leave is extended, consistent with s. 79A of Fair Work Act.
CI 70.1	Long Service Leave – General Note	General redrafting of the clause to split entitlements across 4 parts: <ol style="list-style-type: none"> 1. Part 1 (Clauses 70.1 – 70.2) explains the scope of the clause and includes defined terms. 2. Part 2 (Clauses 70.3 – 70.11) sets out the long service leave entitlement of Employees employed on a full-time or part-time basis, or who are employed as Enrolled Nurses at the time they take a period of long service leave or their employment ceases. 3. Part 3 (Clauses 70.12 – 70.19) sets out the long service leave entitlement of Employees employed as casual Registered Nurses or casual Registered Midwives at the time they take a period of long service leave or their employment ceases. 4. Part 4 (Clauses 70.20 – 70.25) contains a series of common provisions that apply in respect of all Employees.
CI 70.2(a)	Long Service Leave – Definition of Award-entitled Employee	Insertion of new definition to group the following employees together: <ol style="list-style-type: none"> 1. a full-time or part-time Registered Nurse; 2. a full-time or part-time Registered Midwife; or 3. a full-time, part-time or casual Enrolled Nurse.
CI 70.2(a)	Long Service Leave – Definition of Pay for a Casual Employee	Inserted new definition of Pay for a casual employee being the remuneration for the employee’s normal weekly hours of work at their ordinary pay calculated in accordance with sections 15 and 16 of the LSL Act.
CI 70.4(b)	Long Service Leave – Entitlement	Align to State Act. Access begins at 7 years. Phased implementation: <ul style="list-style-type: none"> • 9 years from 1 July 21 • 8 years from 1 July 22 • 7 years from 1 July 23
CI 70.5(a)(ii)	Long Service Leave – Continuous Casual Employment	Inclusion of definition of Continuous Casual Employment to include the following: <ol style="list-style-type: none"> 1. the period between two instances of employment that does not exceed either the allowable period of absence, or 12 weeks (whichever is greater). 2. the Employee had been employed by an Employer on a regular and systematic basis and the Employee had a reasonable expectation of being re-engaged by the same Employer. 3. the gap between engagements was due to the terms of engagement of the casual Employee.



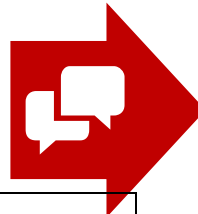
		<ol style="list-style-type: none"> 4. the gap between engagements was caused by seasonal factors; or 5. the Employee and Employer agreed, before the start of an absence, to treat the employment as continuous despite the absence.
CI 70.5(b)	Long Service Leave - Periods that count towards Continuous Service	<p>Inclusion of the following types of leave on and from 1 July 2020 to count as service:</p> <ol style="list-style-type: none"> 1. any period of unpaid leave taken on account of illness or injury. 2. a period of Parental Leave, including Parental Leave that is extended under clause 68.12; and 3. the first 52 weeks of any other type of unpaid leave not specifically referenced in this subclause 70.5(b)(iv).
CI 70.5(b)	Long Service Leave - Correction of mixed modes example	Mixed mode example to be amended as it is currently incorrect.
CI 70.6	Long Service Leave - Casual Service	Clause amended to clarify that casual service at another institution or stat body will count for the purpose of calculating mixed modes.
CI 70.8(a)	Long Service Leave – Definition of Termination	Clarification of when termination occurs. Termination is taken to occur upon conversion from permanent to casual, however not at the end of each casual shift.
CI 70.8(b)	Long Service Leave – Termination of Employment	Insertion of reference to mixed modes clause regarding the applicable rate of payment on termination.
CI 70.8(c)(iii)	Long Service Leave – Re-employment by another Institution or Statutory Body.	Clarifying when re-employment occurs. That is re-employment is, re-employment by another Institution or Statutory Body as an Award-entitled Employee
CI 70.11	Long Service Leave - Transitional Arrangements for Parental Leave taken as an Award-entitled Employee after 1 November 2018 and before 1 July 2020	<p>Inclusion of transition arrangements for unpaid parental leave to count as service.</p> <p>Unpaid Parental Leave taken prior to 1 November 2018 does not count as Continuous Service unless otherwise agreed, per clause 70.5(b)(vi)A.</p> <p>Unpaid Parental Leave taken after 1 July 2020 will constitute Continuous Service, per clause 70.5(b)(vi)C.1).</p> <p>Employees who took a period of unpaid Parental Leave (included any part of the period between 1 November 2018 and 30 June 2020 (inclusive)) may make an application to the Employer to have that service recognised for Long Service Leave purposes. This application will be approved by the employer. The employee must make the application no later than 6 months of the following (whichever occurs last):</p>



		<ol style="list-style-type: none"> 1. the date on which this Agreement commences; or 2. the date on which the Employee returns to work after the qualifying period of unpaid Parental Leave
CI 70.12	Long Service Leave – Application of Part 3	Insertion of clause clarifying Casual Registered Nurse and Midwife entitlements are determined under Part 3 (clauses 70.12 - 70.19).
CI 70.14	Long Service Leave – Interpretation	Statement of Long Service Leave entitlements for Casual Registered Nurses and Midwives.
CI 70.24	Long Service Leave – Concurrent Service	Inclusion of example of concurrent service and how it is to be treated.
CI 70.25	Long Service Leave – Savings	<p>Inclusion of savings clause to ensure that no employee shall suffer any detriment as a result of the operation and redrafting of the Long Service Leave clause.</p> <p>Requirement for ANMF and VHIA to make an application to the Magistrates Court under section 24 of the LSL Act for an opinion that determines generally the rights of applicable Employees under the Proposed Agreement are more favourable to the relevant employees than those provided by the LSL Act</p>
CI 72.1 (NEW)	Absent on Defence Service	Inclusion of jury service model for make-up pay where an employee is required to be absent on defence service within the meaning of the <i>Defence Reserve Service (Protection) Act 2001</i> . Applicable to full-time and part time employees.
CI 72A (NEW)	Leave to engage in voluntary emergency management activities	Up to 2 weeks paid leave for prescribed activities subject to operational requirements. Note – this does not limit entitlement under NES to unpaid leave.
CI 72B (NEW)	Special Disaster Leave	Inclusion of paid special disaster leave (which is described) capped at 3 days per year were personal leave not available.
CI 73.2 (NEW)	Ceremonial Leave	Employer cannot unreasonably refuse a request to substitute a public holiday in accordance with 56.4 for a day during NAIDOC week.
PART H – EDUCATION AND PROFESSIONAL DEVELOPMENT		
CI 75	Professional Development Leave - Note	Clarification that mandatory training term at clause 75.8 applies to casuals.
CI 75.3	Professional Development Leave - Payment – night shift	Inclusion of example to demonstrate an employee’s normal shift length.



CI 75.4	Professional Development Leave	Clarification that an employee’s application for professional development leave must be in writing.
CI 75.8	Professional Development Leave - Mandatory training	Provision ensuring that Mandatory training is distinguished from Professional Development Leave.
CI 76.1(a)(ii)	Study Leave	Broadening scope to become available to support State Government initiatives to improve workforce development of priority areas of nursing and midwifery care.
CI 79.9 (NEW)	Post Registration Students	Inclusion of arrangements for Postgraduate Midwifery Students employed in accordance with the Workforce Development Fund initiative.
PART I - UNION MATTERS AND BEST PRACTICE EMPLOYMENT COMMITMENT		
CI 80.8 (NEW)	Union Matters	Identification of number of days an employee holding an official HWU position will have for committee meetings.
CI 80.10(b)	Union Matters - Workplace Implementation Committees	<p>Inclusion of the following clauses as identified as priority items for the Workplace Implementation Committee:</p> <ol style="list-style-type: none"> 1. Clause 21 (Fixed Term Employment) 2. Clause 30A (Lead Apron Allowance) 3. Clause 31.1(a)(iii) (Cert IV TAE Allowance) 4. Clause 44.1 (Meal breaks), 5. Clause 44.3 (Clothing Change), 6. Clause 45.6 (On-Call Rosters), 7. Clause 49.4 (approval of overtime), 8. Clause 50.5 (emergency on-call/recall), 9. Clause 51 (Recall – without return to workplace) 10. Clause 57.3(f) (High Demand Holiday Periods) 11. Clause 99.5 (Risk Assessments) 12. Clause 103.7 (OVA reporting)
CI 81 (of Current Agreement)	Service Delivery Partnership Plan	Clause removed as it is no longer part of the Government’s initiative.
CI 81 (NEW)	Best Practice Employment Commitment	Replaced SDPPWG with ‘Best Practice Employment Commitment’ clause requiring meetings between parties during life of the Proposed Agreement.
PART J - CLASSIFICATIONS AND STAFFING		



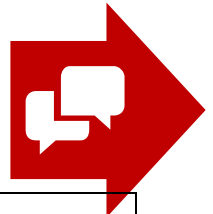
CI 82.1	Enrolled Nurse Classifications – Scope	<p>General redrafting to provide sections of the clause as follows:</p> <ol style="list-style-type: none"> Part 1 (clause 82.1 - 82.2) explains the scope of this clause and the applicable definitions. Part 2 (clauses 82.3 - 82.6) sets out the classifications and classification descriptors for Enrolled Nurses. Part 3 (clause 82.7) sets out the translation arrangements for Enrolled Nurses employed as at 31 March 2012. Part 4 (clauses 82.8 - 82.12) describes the recruitment and appointment process for Enrolled Nurses; and Part 5 (clauses 82.13 - 82.16) sets out the process for Enrolled Nurses to advance to EN3, including the advancement criteria and competency standards.
CI 82.2	Enrolled Nurse Classifications – Definitions	Reference back to clause 4 – definitions for the definition of Enrolled Nurse and A Year of Experience.
CI 82.4	Enrolled Nurse Classifications - Transitional Arrangements	While all EN's have been translated the clause has been condensed to avoid unintended consequences.
CI 83.1	Registered Nurse and Midwives Classifications – Scope	<p>General redrafting to provide sections of the clause as follows:</p> <ol style="list-style-type: none"> Part 1 (clause 83.1 - 83.2) explains the scope of this clause and the applicable definitions.. Part 2 (clauses 83.3) sets out the classification descriptors for Registered Nurses and Registered Midwives. Part 3 (clauses 83.4 - 83.6) sets out the application process for Clinical Nurse/Midwife Specialist positions, the transfer arrangements of CNS/CMS status to a new Employer, and when the requirements of continuing to meet the CNS/CMS criteria must occur; and Part 4 (clause 83.7 - 83.40) sets out the grades to the classifications set out in Part 2.
CI 83.2	Registered Nurse and Midwife - Definitions	All clauses related to classifications have been moved to clause 83 as a central location.
CI 83.3	Registered Nurse and Midwives	Consolidation of research Nurse/Midwife transition arrangements
CI 83.3	Registered Nurse and Midwives - Clinical Midwife Specialist	Inserted definition of Clinical Midwife Specialist which is a copy of the Clinical Nurse Specialist.
CI 83.3	Registered Nurse and Midwives – District	Removal of Director and Deputy Director of District Nursing Classifications and they are not being utilised by health services.



	Nursing (Director and Deputy Director)	
CI 83.3	Maternal and Child Health Nurse	Amendment of Maternal and Child Health Nurse definition as required by Ahpra, state legislation and registration requirements.
CI 83.3 (NEW)	Insertion of Maternal and Child Health Coordinator	Insertion of MCHN Coordinator position. No requirement to appoint one.
CI 83.3 (NEW)	Classifications – Clinical Support Midwife	Inserted definition of Clinical Support Midwife which is a copy of the Clinical Support Nurse.
CI 83.3 (NEW)	Classifications – Nurse/Midwife Manager not elsewhere classified	Removal of ‘Supervisor’ classification and replacement with the Nurse/Midwife Manager not elsewhere classified position. This position is for a Registered Nurse or Midwife principally engaged in management of a nursing or midwifery service, or part thereof, for which this Proposed Agreement contains no more applicable classification.
CI 83.5	CNS/CMS Classification – Ongoing requirement to meet criteria	Insertion of requirement for CNS/CMS employees to meet the criteria within work time.
CI 83.6	CNS/CMS Classification and Payment –Portability	Where a CN/MS commences employment with a new employer, the new employer will notify the previously classified CN/MS of the next application period. New CN/MS employees who successfully apply in the next application period will receive backpay from when they commenced.
CI 83.7	4 Streams	Insertion of 4 Stream Structure definitions.
CI 83.10 – 83.38	Classification Grading	The clauses have been restructured to order classifications in line with the 4 Stream Structure, as follows: <ol style="list-style-type: none"> 1. Clinical, Advanced Practice and Research stream (CAPR). 2. Community Stream (CN). 3. Nurse/Midwife Manager (NM). 4. Quality, Clinical Risk, Governance, Education and Development stream (QRED).
CI 83.35 and CI 83.36	Updated Classifications – DON Structure	Moved from a bed-based structure to a campus classification based structure, placing DON’s into one of the following categories 8A, 8B, 8C, 8D, 7A or 7B.
CI 83.34	Updated Classifications – DDON Structure	Moved from a bed-based structure to a campus classification based structure which flows down from the DON Grade. A Deputy DON/M will be graded at NM6. The sub grade within Level 6, A, B, C, or D is determined by reference to the health service campus categorisation in Appendix 8.



CI 83.34	Updated Classifications – Divisional/Clinical Director	Moved from a bed-based structure to a campus classification based structure which flows down from the DON Grade An Employee who has responsibility for a clinical division of the health service. The subgrade within Level 6, A, B, C or D is determined by reference to the health service campus categorisation in Appendix 8.
CI 84	Translation Arrangements for Registered Nurses/Midwives	Reduction of clause as part of the translation has already occurred and is now redundant. Reference back to Clause 85 of the Current Agreement for further information. Requirement for employers to assess each NM5 and above position or Principal Educator or Deputy Principal Educator position within 3 months of this Proposed Agreement being approved by the Commission to assess accuracy of grading.
CI 85 (NEW)	RUSON/RUSOM Grading	Inclusion of RUSON/RUSOM classification grading within this part to ensure clarity on how RUSON/RUSOM's should be graded.
CI 85A (NEW)	Trainee Enrolled Nurse Grading	Inclusion of Trainee Enrolled Nurse classification grading within this part to ensure clarity on how Trainee Enrolled Nurse's should be graded.
CI 86	Skill Mix	'In respect of hospitals' will be included in the first line for clarity.
CI 90.1(c) (NEW)	Staffing – NUM/ANUM and Above	Insertion of term that recognises that some wards operate less than 5 days per week will have 0.1 EFT of NUM for each day of the fortnight the ward usually operates.
CI 90.1B (NEW)	MUM requirement	Insertion of MUM requirement, however not required to have NUM and MUM on same ward where mixed maternity ward.
CI 90.1C (NEW)	Maternity Ward	Inclusion of definition of Maternity Ward – to include ante-natal care, post-natal care, and birthing suites. Provides that where a single ward that includes maternity services and non-maternity services it is not required to have more than 1 EFT of combined NUM and MUM or more than the required ANUM/AMUM's unless required by the SPCA.
CI 90.1D (NEW)	NUM/MUM Workload	Where the SPCA requires an additional in charge position in certain mixed wards that position will be classified as an ANUM/AMUM and be additional to clause 90.2.
PART K - OCCUPATIONAL HEALTH AND SAFETY		
CI 99.5	OHS Risk Management	Insertion of requirement for employers to ensure NM/ Supervisors receive adequate education and support to ensure OHS incidents can assess, investigate and consult with staff over those issues.
CI 100.2(a)	Incident Reporting, Investigation and Prevention	Inclusion of requirement to provide the employee(s) with access to post incident support services.



CI 102.1(e)	HSR's	Inserted requirement for HSR election and training dates to be provided to ANMF.
CI 103.2(b) (NEW), CI 100.2(b) (of Current Agreement)	Employers without Existing Policies	This term has been removed as it is now redundant.
CI 103.7	OVA Reporting	<p>Requirement for employers to make the following available to the committee:</p> <ul style="list-style-type: none"> • The number of code greys and code black and other alerts relating to risk of violence. • The overall number of reported incidents of OVA. • The number of incidents that have resulted in injury to staff, patients and visitors and/or the number of incidents that have resulted in property damage where available. • Systematic recommendations and actions affecting risk management and OVA. <p>The employer will also consult with elected HSR's with respect to conducting workplace violence audits.</p>
CI 104.4(a)	Workers' Compensation, Rehabilitation and Return to Work – Return to Work	Insertion of clarification that this clause will apply to an employee not performing their ordinary duties due to a work-related injury to which the WIRC Act applies.
CI 104.4(h)	Workers' Compensation, Rehabilitation and Return to Work	Change of terminology from 'Support Person' to 'Representative.'
CI 104.4(l)	Worker's Compensation	Amend to restrict Employers attending IME or GP appointments unless specifically requested by the Employee.
PART L - INTERACTION WITH SAFE PATIENT CARE ACT		
CI 106	Undergraduate Employment Models	Creation of RUSOM entitlement that mirrors the RUSON entitlement.
APPENDICES		
Appendix 2	Wages and Allowances	Updated Wages and Allowance schedule to provide for new allowances as well as the 4-stream structure.
Appendix 3	Information Required for Letter of Appointment	Letter of appointment to be amended to include the Employees' classification and position title for clarity.
Appendix 5	Indicative Position Description for After Hours Coordinator	Removal of reference to Small Rural Hospital from After Hours Coordinator position description.



<p>Appendix 6</p>	<p>Template Certificate of Service</p>	<p>Amended certificate of service to include notice of when an employee worked as a casual registered nurse or registered midwife.</p> <p>Update to note that upon receipt of the Certificate of Service, the Second Employer must notify the previous Employer that it has recognised any period of long service leave.</p>
<p>Appendix 8 (NEW), Appendix 9 (NEW), Appendix 9 (of Current Agreement)</p>	<p>Translation to new Structure</p>	<p>Has been removed and replaces with the new 'Campus Categories' classifications (Appendix 8) and 'Health Service Categories' (Appendix 9)</p>