

Nurses and Midwives Enterprise Agreement Negotiations

INFORMATION SHEET 1

Details of the Proposals for a New Enterprise Agreement

The following is an outline of the terms of a 'without prejudice' proposal to replace the existing Northern Territory Public Sector Nurses and Midwives' 2014 - 2017 Enterprise Agreement ('the current Agreement') which reached its nominal expiry date on 9 August 2018.

This proposal takes into account the Australian Nursing and Midwifery Federation's ('ANMF') claims; issues arising during negotiation meetings including the application of current provisions; the Northern Territory ('NT') Government's fiscal position and the prevailing economic conditions; and the Department of Health's ('the Department') operational and strategic initiatives.

The improvements proposed for a new agreement were considered in conjunction with the continuation of conditions introduced in previous rounds. The proposal places the Northern Territory Public Sector ('NTPS') well in the market to attract and retain Nurses and Midwives and maintains the Northern Territory's competitive position nationally over the next four years.

1. Term of Agreement – 4 years

It is proposed the new agreement will have a four year term with an expiration date 12 months after the final salary increase paid under the agreement. This will provide employees and the Department with certainty and secured terms and conditions over this period.

2. Salary Increases – 2.5% per annum

Subject to the achievement of proposed changes contained in this proposal and approval of the agreement by the Fair Work Commission:

- an initial salary increase of 2.5 per cent to be paid effective from 9 August 2018;
- a second salary increase of 2.5 per cent to be paid effective from the first full pay period from 9 August 2019;
- a third salary increase of 2.5 per cent to be paid effective from the first full pay period from 9 August 2020; and
- a fourth salary increase of 2.5 per cent to be paid effective from the first full pay period from 9 August 2021.

A 2.5% increase each year for four years will ensure NT Nurses and Midwives' salaries and conditions remain competitive. Current shift penalties are comparable with other jurisdictions or higher. It is expected that the proposed salary increase together with current shift penalties will see NTPS Nurse 2 employees ranked first nationally over the next four years.

Salary increases under the new agreement will not apply to employees who cease employment with the NTPS prior to the commencement date of the Agreement, which will be seven days after it is approved by the Fair Work Commission.

Work-related and expense-related allowances will be adjusted consistent with the current Agreement provisions that provide for an adjustment mechanism.

3. Increase Casual Loading to 22%

In response to the ANMF's claim, it is proposed to increase casual loading from 20% to 22% in the fourth year of the agreement. There are no attraction and retention issues related to casual employment that would justify increasing the loading higher or earlier. This improved entitlement is scheduled for the final year of the proposed agreement to encourage support for a four year agreement.

4. Improved Parental Leave Provisions

The ANMF's claim to mirror the same provisions under the NTPS 2017 – 2021 Enterprise Agreement ('General NTPS agreement') is agreed.

The current Parental Leave provisions are to be re-written to be more succinct by combining existing entitlements under two main types of parental leave: Primary Caregiver Leave (currently 'Ordinary Maternity Leave' and 'Adoption Leave') and Partner Leave (currently 'Paternity/Partner Leave' and 'Adoption Leave'). Other types of parental leave, e.g. Special Maternity Leave, Pre-Adoption Leave are retained. Other improvements consistent with the General NTPS agreement include:

Surrogacy arrangements

It is proposed to broaden the application of parental leave provisions to include a child born of surrogacy arrangements.

Paid partner leave

It is proposed to expand the paid leave available to employees who take over as primary caregiver from their non-NTPS spouse/partner (who is usually the birth giver). This will provide employees who meet the relevant criteria with the current generous levels of paid parental leave (up to 14 or 18 weeks) and up to a total of three years off for parental leave purposes.

This new provision will provide an employee (referred to as 'the partner' as they are not the initial primary caregiver) with paid leave where they take on the primary carer responsibilities within a certain time period following their child's birth/adoption. This paid leave would be available where the initial primary caregiver returns to work, for example, and the partner takes over caring responsibilities for the child such that the employee is the person who now meets the child's physical needs more than anyone else. For employees with more than five years of service the period available to access paid leave will be up to 18 weeks from the birth/adoption of the child, and 14 weeks for employees with one to five years of service. The paid leave is not payable for any period of parental leave taken that extends beyond 14 weeks (or 18 weeks, whichever is applicable), from birth/adoption. Partners may still access partner leave (up to two weeks paid) at the time of birth/adoption prior to accessing this new paid partner leave as primary caregiver. However, only one parent of the family unit can nominate as primary caregiver at a time.

The current combined parental leave provisions permitting NTPS employee couples to share their paid NTPS parental leave entitlements will be retained.

Employees will continue to be able to request leave without pay, part-time employment or flexible working arrangements up until the child reaches school age.

Employer funded superannuation on unpaid parental leave

It is proposed the employer funded superannuation payments currently paid during periods of unpaid parental leave, to employees eligible for at least 14 weeks paid parental leave, be extended from six months to 12 months from commencement of parental leave. This proposal means eligible employees who proceed onto a period of unpaid parental following paid leave in the first 12 months will have no loss of superannuation earnings for 12 months.

For further information and a summary of current parental leave entitlements, refer to the information sheet on [Parental Leave - Information Sheet 2](https://ocpe.nt.gov.au/nt-public-sector-employment/enterprise-agreement-negotiations/current-negotiations/nurses-and-midwives) available on OCPE website at: <https://ocpe.nt.gov.au/nt-public-sector-employment/enterprise-agreement-negotiations/current-negotiations/nurses-and-midwives>

5. Restrictive Duty / Overtime and Nurse 6

In response to the ANMF's claims and to meet the Department's operational requirements, new facilitative provisions will be included in the agreement to enable the CEO to approve the payment of Restrictive Duty (e.g. on-call) and overtime to Nurse 6 employees in limited and exceptional situations where the Nurse 6 is required to perform additional hours for clinical duties (i.e. not the employee's usual Nurse 6 management/administrative duties or taking out of hours ad hoc phone calls) to provide critical operational support for clinical and safe outcomes as required. For example access to on-call and/or overtime may be necessary:

- where a Nurse 6 attends a remote clinic to relieve staff for days off or other forms of leave;
- where a Nurse 6 (e.g. Remote Manager) is required to be on-call on a regular basis to respond to phone calls after hours for organising evacuations and retrievals.

6. Shiftwork Penalties and Nurse 6 / Nurse Practitioners

Currently shiftwork penalties apply to Nurse 5 and below. Nurse 6 employees are not required to do shiftwork unless they are a Nurse Resource Coordinator at the Royal Darwin Hospital or Alice Springs Hospital. Nurse Resource Coordinators perform ordinary hours on a shiftwork roster (e.g. rostered to work day, afternoon and/or night shifts) and receive shift penalties and overtime authorised through a Commissioner for Public Employment's Determination. It is proposed to continue the current provisions for Nurse Resource Coordinators, as provided for in Determination Number 1014 of 2016, during the term of the new agreement.

An area of common interest identified through bargaining was increasing the employment of Nurse Practitioners (Nurse 6) in the NTPS. The Department have indicated that Nurse Practitioners are not required to do shiftwork. However, in the event that Nurse Practitioners may be required to perform ordinary hours on a shiftwork roster due to operational and clinical requirements, the agreement will include new facilitative provisions to enable the CEO to approve the payment of shiftwork penalties.

7. New Cultural and Ceremonial Leave (up to 5 days unpaid)

A new provision of up to five days unpaid cultural and ceremonial leave each year to employees to meet cultural or ceremonial obligations. The leave is not cumulative. This unpaid leave is in addition to paid leave entitlements and access to flexible work arrangements.

The NTPS values cultural diversity. Sometimes employees are required to attend to cultural and ceremonial events that are important to the community or group to which they belong. These obligations may occur during work times, and may not coincide with public holidays or rostered days off work. Some obligations may be 'traditional' or 'urban' in nature and may include initiation, birthing and naming, funerals in cases where the deceased person is not a member of the employee's immediate family or household. An employee may be required to meet traditional law or cultural obligations, participate in religious days of observance or activities, e.g. Greek Orthodox, Ramadan, Sorry business etc. This proposal takes into consideration the Aboriginal Employment and Career Development Strategy, where we continue to grow our Aboriginal workforce in the NTPS so it is more reflective of the community we serve.

Periods of unpaid cultural and ceremonial leave do not break an employee's continuity of employment but will not count for service (e.g. for paid leave accruals or increments). However, any period of paid leave taken for cultural and ceremonial purposes will count for service in accordance with the relevant paid leave provisions (e.g. if an employee takes recreation leave to attend Sorry business this will count for service). An employee will not be required to use all their other paid leave entitlements before accessing unpaid cultural and ceremonial leave. An employee may be asked to provide their manager with documentary evidence of the need for the employee to attend the cultural or ceremonial events.

8. Review Workloads Model (NHpPD)

Following ANMF's proposal to move some claims relating to staffing and workload management to the consultative committee, it was agreed in negotiations to include a clause in the new agreement committing the Department to undertake a review, in consultation with the union, of the current staffing management model (i.e. NHpPD) and safe workload management.

9. Increase Professional Development Allowance – Reimbursement Basis

The Professional Development Allowance (PDA) paid on a reimbursement basis is proposed to be increased annually by the annual salary increase percentage (i.e. 2.5% per annum). The reimbursement option was introduced in the current Agreement and provided higher payments than the fixed upfront option as well as other benefits. These benefits include the ability to combine two years' entitlement to cover expensive professional development activities (e.g. interstate conferences), subject to approval through the work partnership plan; and the ability to access an advance payment of the allowance in those circumstances in which employees are required to meet substantial costs in advance of a professional development activity. As is the case currently, under the new agreement an employee receiving PDA under the fixed upfront option may elect to join the reimbursement model prior to 30 August of each year.

The higher rate payable under the reimbursement option will continue to provide an incentive for employees on the fixed upfront option to elect to move to the reimbursed PDA model. There will be no change to the current Agreement rates for PDA paid on a fixed upfront basis.

To address union concerns, the consultative committee will monitor the implementation of the PDA provisions to ensure employees are able to access their entitlements.

10. Domestic and Family Violence (DFV)

The ANMF's claim to mirror the same DFV provisions under the NTPS 2017 – 2021 Enterprise Agreement ('General NTPS agreement') is agreed.

The NTPS provides access to uncapped paid leave for employees experiencing domestic and family violence through the Public Sector Employment and Management By-law 26 Miscellaneous Leave provisions. In response to the ANMF's claims and to improve awareness of these existing provisions it is agreed to include a clause in the new agreement highlighting the commitment to providing leave and other support to employees who are experiencing domestic and family violence.

11. Recreation Leave Loading and Shiftworkers

It is proposed that conditions for shiftworkers be improved so that they will be paid their recreation leave loading entitlements provided they have been approved at least one day's

recreation leave (currently a minimum one week's recreation leave is required to receive the loading). This will facilitate shiftworkers receiving their loading payment (which is usually equivalent to shift penalties payments that would have been payable during recreation leave) earlier than they otherwise would under existing provisions. In addition, this change would remove the highly administrative function of acquitting the shift penalty payments and recreation leave loading at the end of each period.

12. Enhance Awareness of Workplace Policies and Support for Breastfeeding Employees

It is recognised that a workplace that supports employees who wish to continue to breastfeed after returning to work will encourage greater participation of females in the workforce and encourage employees on leave to return earlier. In response to the ANMF's claims, and through negotiations, the parties have agreed to include a clause in the new agreement to raise awareness of the Department's policies/guidelines and other entitlements that support employees who wish to continue breastfeeding upon their return to work (e.g. flexible work arrangements). The Department's policies and guidelines referred to in the new clause of the agreement will not form part of the new agreement. If there is any inconsistency between the policies and guidelines and the terms of the new agreement, the express terms of the new agreement will prevail.

To address union concerns, implementation of the Department's policies and guidelines can be monitored by the consultative committee.

13. New Nursing and Midwifery Career Pathway – Classification Descriptions

In response to ANMF's claims and to meet the Department's objectives, it is proposed to incorporate recently developed NTPS Nursing and Midwifery classification descriptions for Nurse 1 to Nurse 8 in the agreement. The new descriptions for each classification level were developed by the joint working party for the new NTPS Nurses and Midwives Career Pathway. This proposal is essentially an administrative change to update existing descriptions to support implementation of the new career pathway. An employee's current classification (e.g. Nurse 2, Nurse 3, etc.) is not affected by this proposal.

The parties have discussed ensuring the new agreement language reflects 'midwives' as well as 'nurses'. It is proposed that in drafting the new agreement the parties review the references to 'Nurse' and 'Midwife' to ensure the language reflects contemporary nursing and midwifery practice/direct entry etc., where reasonable and where there is no financial implications for the Department.

14. Continue Relocation Allowance (up to 10 fortnights) for Katherine / Alice Springs

It is proposed to continue a NTPS-wide common core condition that supports recruitment and retention initiatives by providing for the CEO to approve up to ten fortnights of relocation allowance under Public Sector Employment and Management By-law 28.5 (Relocation Allowance) for employees in Katherine and Alice Springs. This initiative has been in operation since 2010 through a Determination issued by the Commissioner for Public Employment and it is proposed to renew the current Determination Number 1062 of 2014 upon commencement of the new agreement. (For a copy of the Determination go to: <https://ocpe.nt.gov.au/nt-public-sector-employment/enterprise-agreement-negotiations/current-negotiations/nurses-and-midwives>)

15. Christmas Closedown Provisions

It is proposed to incorporate the Christmas closedown provisions currently set out in Determination Number 1073 of 2014 into the new agreement. These provisions were inadvertently left out of the current Agreement necessitating the Determination following approval of the current Agreement. (For a copy of the Determination go to: <https://ocpe.nt.gov.au/nt-public-sector-employment/enterprise-agreement-negotiations/current-negotiations/nurses-and-midwives>)

16. Drafting New Agreement

It is proposed to align similar conditions across the Schedules and core of the current Agreement (e.g. increments, allowances, leave, overtime, and restrictive duty). I understand that bargaining representatives have already commenced this work which will assist in making the new agreement easier to navigate and read.

It is also proposed to adopt the Personal Leave and Compassionate Leave provisions contained in the General NTPS agreement for consistency of core conditions across the NTPS, wherever possible. This proposal does not change existing entitlements but will provide updated definitions (e.g. immediate family, de facto partner) in line with the *Fair Work Act* and clearer provisions for documentary evidence. Other changes to the new agreement to be addressed in drafting will involve updating legislative references, gender neutral language, and plain English language.

Efficiencies

17. Part-time Employees and Overtime

It is proposed that clause 45.7(d) of the current Agreement be varied by changing 64 hours per fortnight to 76 hours per fortnight. This would align the overtime provisions for part-time Nurses and Midwives with those that apply to full-time Nurses and Midwives. This proposal provides equity across the workforce with regards to additional hours worked. Under existing provisions a part-time employee working additional hours above their agreed contracted hours, but still less than a full-time employee, can receive more pay.

Under this proposal a part-time employee working additional hours above their agreed contracted hours will be paid single time until the hours worked exceed 76 hours per fortnight. Overtime rates (e.g. time and a half, double time) would still be payable where duty performed by the part-time employee is in excess of the daily maximum hours on any day, as Restrictive Duty or Emergency Duty, or outside the normal span of hours (where the 'span' relates to non-shiftworkers).

This proposal does not affect existing provisions regarding an employee's right to request flexible work arrangements for work life balance; right to refuse to work additional hours/overtime on reasonable grounds; or alter the current manner in which employees may be offered the opportunity to work additional hours/overtime.

18. Northern Territory Allowance

The Northern Territory Allowance ('NTA') will be retained for existing employees who are in receipt of the allowance immediately before commencement of the new agreement. It is proposed that NTA be grandparented to these existing employees so that NTA continues to be paid, according to Public Sector Employment and Management By-law 26, until such time as the employee ceases to have those dependant/s.

For employees currently receiving the \$960 this rate will remain unchanged.

For employees who commenced on or prior to 31 July 1987 who receive a variable rate (depending on their designation and increment), it is proposed that the rate is standardised at the top increment rate for each classification.

Feedback – Have Your Say

The above proposals and the continuation of existing employment conditions represent a fair package that improves salary and conditions for all Nurses and Midwives, and introduces very modest efficiencies to support a range of improved conditions.

Should you wish to provide your feedback on the proposals or make a suggestion you can provide your feedback directly at www.enterpriseagreements.nt.gov.au/general_feedback.

All feedback will be treated confidentially.