

SUMMARY OF KEY CHANGES
VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH AGREEMENT 2016-2020

The Agreement provides terms and conditions of employment for respondents to the proposed agreement. This summary of changes should be read in conjunction with the proposed Enterprise Agreement.

The VHIA, DHHS, HSU and ANMF have worked together over recent months, not only in respect of the parties new EBA claims, but also to:

- a) Update language and structure of clauses
- b) Improve the logical order of clauses
- c) Incorporate the NES
- d) Cross reference related clauses
- e) Incorporates common clauses where possible across disciplines (other than Medicine) employed at VIFMH.

Length of Agreement

- a) Four year Agreement with a nominal expiry date of 30 June 2020.

Pay Increases

Registered Psychiatric Nurses

- 1 October 2016 – Roll in CPD plus 3%
- 1 April 2017 – 3%
- 1 April 2018 – 3.25%
- 1 April 2019 – Translation to new agreed structure and wage rates as per wages schedule

Psychiatric Enrolled Nurses and Psychiatric Services Officers

- 1 October 2016 – roll in CPD (however titled) plus 3%
- 1 April 2017 – 3%
- 1 April 2018 – 3.25%
- 1 April 2019 – 4%

Mental Health Professionals

- 1 October 2016 – Alignment of rates with Public Sector Health Professionals EBA outcome including roll in of CPD Allowance plus 3.25%
 - 1 November 2017 – 3.25%
 - 1 November 2018 – 3%
 - 1 November 2019 – 3%
- Uplifts of \$17.50 per week applied August 2016 and November 2017 to the top increments of health professional Grade 1, Grade 2 and Grade 3.

Mental Health and Allied Services; Managers and Administrative Officers, and Consumer/Carer Consultants/Peer Workers.

- 1 October 2016 – 5%
- 1 October 2017 – 3%
- 1 October 2018 – 3%
- 1 October 2019 – 3%

Psychologists

- 1 October 2016 - Alignment with 2017 Public Sector EBA plus 3.25%
- 25 January 2018 – 3.25%
- 25 January 2019 – 3.25%
- 25 January 2020 – 3.25%

Good Faith Payment

Registered Psychiatric Nurses / Psychiatric Enrolled Nurses and Psychiatric Services Officers (CI.81)

A one-off good faith payment of 1.5% of the Employee's total annual remuneration including salary and allowances as at the commencement of the Agreement.

Health Professionals and Psychologists (CI.112)

A one off Good faith payment of \$2076.42 (pro rata for part time).

Mental Health and Allied Services; Managers and Administrative Officers, and Consumer/Carer Consultants/Peer Workers (CI.136 and 173)

A one off Good faith payment of \$1561 (pro rata for part time).

Insertion of a Service Delivery Partnership Plan (CI. 75) to:

Progress the parties commitment to the improvement of the productivity and efficiency of the Victorian Public Health System by:

- a) improving patient treatment times through flow improvements and discharge practices;
- b) enhancing immunisation/vaccination rates;
- c) reducing illness and injury through occupational health and safety interventions;
- d) replacing agency staff with bank and permanent staff where possible;
- e) reduce the environmental impact of health services;
- f) modernising the agreement through the development and implementation of common enterprise agreement clauses across agreements in the Victorian public health sector where possible,
- g) Jointly working to enable the Victorian health system to excel in meeting the National Safety and Quality Health Service Standards,
- h) reducing disputation through joint education programs for Nurse Managers;
- i) Collaborating with Government to implement the 10 Year Mental Health Plan;
- j) Supporting the implementation of VHIMS 2 to improve the completion of requisite reports and assessments;
- k) Reducing the volume and duplication of organisational, clinical, legal and reporting documentation.

Common Provisions

A number of common provisions have been included within the proposed agreement. These include Breastfeeding; Dispute Resolution; Modes of Employment; Reasonable Adjustments; and a Savings Clause.

Insertion of a Comprehensive Community Workload Management System clause (CI. 68)

Requires employers to implement an agreed Community Workload Management System (CWMS) within 12 months of the approval of the Agreement. The clause requires a time allocation to occur between direct clinical commitments and organisational and practitioner development. This will more often than not result in a 60%/40% split.

The clause refers to the agreement occurring via the Workplace Consultation Committee.

Insertion of clause to address overlapping pay points between grades (CI. 66.6)

Where an Employee moves from one grade to a higher grade and the pay rates are less, the Employee will be paid at the next yearly increment level upon appointment to the new grade.

Insertion of Comprehensive Consultation Clause (CI. 18)

Clause obliges employers to consult with employees and unions regarding major change in the workplace, which has a significant effect on employees. The Agreement provides both Employers and Employees with a structured process to follow.

There is also provision for consultation on roster changes, which is a requirement of the NES.

Insertion of Comprehensive Redundancy and Associated Entitlements Clause (CI. 19)

Provides transparent arrangements addressing:

- a) Redeployment – comparable role - including to another Employer and/or another clinical area
- b) Support to affected employees
- c) Salary maintenance for 52 weeks
- d) Relocation – including defining reasonable relocation distances
- e) Retraining, and
- f) Termination of employment due to redundancy.

Please note the Redeployment provisions for Former section 97 employees remain unchanged (CI. 20).

Occupational Health and Safety / Workplace Violence clause (CI. 76)

Inserts provisions which address the prevention and management of workplace injuries; incident reporting,

investigation and prevention; designated work groups; health and safety representatives and workers compensation, rehabilitation and return to work.

Insertion of a clause which creates an Industry OHS Working Group (Cl. 76.2)

Establishes an industry working group to develop and recommend measures to improve OHS outcomes around

- a) Safe patient and manual handling processes
- b) Safe rostering practices and prevention of fatigue risks
- c) Occupational violence and aggression prevention programs
- d) Employee management education for NUMs/ANUMs
- e) Workplace bullying

The working group will include representatives from VHIA, ANMF, HACSU and DHHS and others as agreed.

Insertion of an Occupational Violence and Aggression Prevention and Management Clause (Cl. 76.8)

Addresses occupational violence and aggression (OVA) prevention through requiring the establishment and implementation of an OVA action plan within six months of the Agreement coming into effect. This plan must be consistent with the included Occupational Violence principles.

Amendments to Discipline Clause to Reduce Ambiguity (Cl.22)

Clause 22 expands on disciplinary procedures:

- a) Includes definitions for Performance, Misconduct and Serious Misconduct.
- b) confirms first and final warning only in summary dismissal circumstances

Clause 39 amended so that accrued long service leave not affected by an employee being dismissed for serious and wilful misconduct.

Amendments to Union Matters (Cl. 70) to:

The Union will have access to Employees for the purpose of supporting them through the various processes contained within the Agreement; and

Employer will not block or restrict Employees access to Union emails or website; and

The Employer will, on application, grant leave without pay to an Employee for the purpose of secondment to work for the Union subject to the Employer's reasonable operational requirements; and

The Union may attend and address new Employees as part of orientation / induction programs for new Employees; and

A Union delegates is entitled to reasonable time release from duty to attend to industrial matters; and

The Employer will, on application by the Union, grant leave without loss of pay to an Employee for the purpose of fulfilling their duties as an official of the Council or Executive body of the Union.

Insertion of NES Entitlement to Request Flexible Working Arrangement (Cl. 73)

Clause 52 adds the NES provision enabling Employees to request flexible arrangements in certain circumstances and for Employers to consider the request and respond in writing.

Amendments to the Retention/Transition to Retirement Clause (Cl. 27)

Centralised clause outlining all the various provisions under the Agreement to facilitate retention/transition to retirement which previously existed in three separate clauses (purchased leave, reduction in hours and Right for an Employee to request an alternative work location.

Amendment to Superannuation clause (Cl. 34) to:

- a) Confirm super choice; and

Requires superannuation payments to be made on paid parental leave (long portion).

Amendments to Parental Leave Clauses (Cl. 59, 60, 61 and 72) to:

Include pre-adoption leave and clearer rights associated with breastfeeding the first year following birth; and

The removal of gender related terms from the entitlement to paid parental leave for the primary carer; and

Incorporate the various obligations that exist in relation to pregnancy.

Clarifies the entitlement where the family is established through a Permanent Care Order (now recognised under Adoption Leave).

Insertion of a Family Violence clause (Cl. 54) which:

Provides an employee experiencing family violence 20 days Paid Leave to allow them to be absent from the workplace to attend counselling appointments, medical appointments, legal proceedings or appointments with a legal practitioner and other activities related to, and as a consequence of, family violence; and

Requires the employer to identify contact/s within the workplace who will be trained in family violence and associated privacy issues; and

Requires the Employer to develop guidelines to supplement this clause which details the appropriate action to be taken to support the Employee in the workplace which may include:

- a) temporary or ongoing changes to their span of hours or pattern or hours and/or shift patterns;
- b) temporary or ongoing job redesign or changes to duties;
- c) temporary or ongoing relocation to suitable employment;
- d) a change to their telephone number or email address to avoid harassing contact;

any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.

Insertion of a Reasonable Adjustments clause (Cl. 74)

Describes an Employers obligation to make reasonable adjustments in circumstances where an Employee is experiencing a disability (either permanently or temporarily).

Common definition of 'relevance' (Cl. 9.1(ff))

Common definition of 'relevance' of education for both study leave and qualifications allowances

Early Intervention Support Team (Cl.)

Forensicare must establish and maintain an Early Intervention Support Team. This team will assist in reducing Occupational Violence and Aggression, provide support to unit based staff in a timely manner, increase clinical and therapeutic time engagement with patients and provide early intervention and de-escalation.

Funded nursing positions will become available from 1 July 2017 (17.8 EFT). Following the agreement becoming enforceable, the Parties must consult on the implementation of the team.

Registered Psychiatric Nurses / Psychiatric Enrolled Nurses and Psychiatric Services Officers include

Insertion of a PEN 4 – PEN Education Support classification structure (Cl. 105.5)

Inserts a PEN4 – PEN Education Support classification into the Agreement.

Clarification of requirement to appoint Nurse Unit Manager Clause (Cl. 97.1)

The amended Nurse Unit Manager clause requires a Nurse Unit Manager to be appointed in each ward or unit of all residential and in-patient services. An exception has been included within the Agreement for those CCU or CRP h Units (however titled) who did not have a NUM appointed as of the 1 July 2016.

Insertion of a HDU staffing clause (Cl. 92.4)

Requirement to allocate a minimum number of Nurses to the High Dependency Unit (however titled). This new clause includes a ratio table that is applicable across all shifts (and becomes fully operational by 1 September 2018). A mechanism has been included to ensure the ANUM is able to utilise the team in the most effective manner through the shift.

Recognition of Previous Interstate and International Experience (Cl. 77)

Counted towards experience level if no conditions apply to registration and previous experience was in a grade or sub-grade at least equal or comparable to the grade in which the Employee is, or is about to be, employed. Onus on the Employee to demonstrate the completed years of experience and anniversary date.

Insertion of Consultation Liaison Nurse descriptors (Cl. 104.15(m))

Clause describes the role of a Consultation Liaison Nurse and aspirational staffing levels and coverage.

Amendments to Hours of Work Clause (Cl. 92)

Requires part time employees in bed based and Cat teams (however titled) to comprise minimum shift lengths of 8:8:10.

Insertion of Amended Annual Leave clause (Cl. 96) to:

Inserted desired process to approve annual leave and also requires the Employee to be provided with a response in a reasonable time frame.

Require the Employer to respond in writing to the application within 10 days and if not approved, provide in writing the reasons for the leave not being approved. Where it is likely the request will be rejected, consult with the employee about alternative leave days; and

Prevent the Employer from unilaterally retracting approved annual leave; and

Provides for short periods of annual leave to be taken (less than an ordinary fortnight, and

Removes the requirement for Employers to pay annual leave in advance where leave is taken for a period less than a fortnight, and

Provides a process to reduce excess annual leave.

Insertion of Staff Replacement Clause (Cl. 63.5)

Absences arising from approved leave under clauses 89.1 – 89.4 (Professional development, Study Leave and Examination Leave) will be back-filled in bed based services where the Employee would ordinarily have a patient/client allocation.

Amendments to Higher Qualification Allowance Clause (Cl. 86) in order to:

- a) Double degree/masters entry recognised for qualification allowance,
- b) re relevant, after 12 months experience (No effect on employees currently receiving allowance);
- c) A Doctorate or a PhD qualification allowance is 10% of base rate;
- d) Evidence from the education/training provider is now at a level which would satisfy a reasonable person that the Employee has obtained the qualification for which the allowance is claimed;

Higher Qualification only payable from the first pay period commencing on or after the evidence is provided.

Amendments to Examination Leave (Cl. 63):

Broaden the use of examination leave to cater for alternative assessment methods.

Amendment to Personal Leave Accrual (Cl 57.2)

The accrual of the additional Personal Leave has been separated from the standard accruals.

Amendments to Professional Development Leave (Cl. 63) to:

Enable attendance at preferred professional development activities on rostered days off; and

Additional 10 hours of paid professional development leave per annum for Nurse Practitioners (does not accrue from year to year).

Additional Provisions for Double Shifts (Cl. 47.5)

Employees undertaking double shifts will be provided with additional breaks and also adequate transport to home and a return trip to collect their vehicle.

Improved Entitlements for Nurse Practitioners

Removal of industrial barriers for Nurse Practitioners to access overtime, penalties and allowances.

Health Professionals include

Additional Annual Leave of 2.5 days (Cl. 129)

Employees annual leave accrual increased to 170 hours for each year of service.

Employees may also elect to purchase an addition 2.5 days of leave per year. The Employer is not able to refuse such a request.

Amended Annual Leave Clause (Cl. 129)

Inserted desired process to approve annual leave and also requires the Employee to be provided with a response in a reasonable time frame.

Require the Employer to respond to the application within 10 days and if not approved, consult with the employee about alternative leave days; and

Prevent the Employer from unilaterally retracting approved annual leave; and

Provides a process to reduce excess annual leave; and

Removes the requirement for Employers to pay annual leave in advance where leave is taken for a period less than a fortnight.

Revised Qualification allowance (Cl. 116)

Insertion of a Graduate Certificate and Graduate Diploma Qualification Allowance.

Amended Public Holidays Clause (Cl. 49)

Reduced public holiday penalty from 250% to 200% to offset against increase in annual leave.

Amended Higher Duties Clause (Cl. 39(c))

Clause amended to ensure Employees undertaking shift leader roles are paid higher duties.

Additional Provisions for Double Shifts (Cl. 47.5)

Employees undertaking double shifts will be provided with additional breaks and also adequate transport to home and

a return trip to collect their vehicle.

Amended overtime clause (Cl. 47)

Employees now receive time in lieu equivalent to the forgone overtime rate.

Psychologists include

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Removes the requirement for Employers to pay annual leave in advance where leave is taken for a period less than a fortnight.

Public Sector Alignment

Correction of Psychology Part of Forensicare Agreement to align to Public Sector Agreement.

Managers and Administrative Officers, Consumer/Carer Consultants/Peer Workers, and Mental Health and Allied Services; include:

Reclassification of Clerical Workers (Cl.190)

From 1 October 2017 ward clerks and community team reception workers who regularly during the course of a shift have contact with patients/clients, are to be reclassified to Grade 2A and will progress through the pay points to 2A to 2D on an annual basis.

Insertion of Peer Worker Structure and Amended Consumer Consultant Structure (Schedule 7)

New Structure included for Peer Workers)

Insertion of a Multi Skill Allowance for PSA's (Cl. 147)

Payment of annual Multi-Skilling Allowance. First payment of \$1000 payable 13 November 2017 and then \$500 on 13 April 2018 and then 13 April thereafter.