

# Aged Care Services Australia Group EBA 2017

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Aged care nurses and personal care workers



Australian  
Nursing &  
Midwifery  
Federation  
VICTORIAN BRANCH

March/ April 2017. Campaign update #1.

## Negotiations start

### Negotiations start for safer staffing levels, better resident care and wage increases

ANMF has begun negotiations with Aged Care Services Australia Group (ACSAG) management for improved nurses' and personal care workers' wages and working conditions, safer staffing levels and better resident care. Meetings with your employer are scheduled for 31 March and 7 April.

Your ACSAG enterprise agreement expires on Wednesday 31 May 2017.

ANMF is seeking a 13 per cent pay rise over four years – or 3.25 per cent, per year on average across the agreement. Until now ACSAG along with several other large providers, has set the wages benchmark for private-for-profit aged care in Victoria. We want ACSAG to continue to set the standard.

ANMF will also be seeking improved skill mix and ratios to ensure our members can provide safe quality resident care.

Specific personal care worker claims include career structure improvements, exam leave and a fifth week of annual leave for Monday to Friday shift workers.

For this bargaining round we face a challenging environment to negotiate fair wages and safer staffing, including:

- the Federal Government's \$1.6 billion aged care funding cuts and changes to the aged care funding instrument
- national private sector wage outcomes for all industries of around two per cent per year
- the annual inflation rate is 1.5 per cent.

However, it is important to remember many aged care providers will still make reasonable profits per bed – for some it is up to \$13,000 per bed before tax and depreciation.

This is about your work, your residents and your life.

### ANMF Aged Care Services Australia Group nursing home visits

ANMF elected officials, organisers and staff will be visiting every ACSAG nursing home during March and April to discuss the negotiations and your claims for improved wages and conditions and safer staffing levels. It will also be an opportunity to nominate as a Job Rep or encourage your ACSAG nursing and personal care worker colleagues to join ANMF.

## Campaign update #1 continued.

### What are ANMF members asking for?

After consultation with private aged care members last year, the ANMF created a 'log of claims', which is really a list of things that members tell us are important to them. The log of claims was approved by ANMF aged care members and then endorsed by the ANMF Branch Council in late 2016. It was sent to your employer in January with a request to start negotiations.

The private-for-profit and not-for-profit log of claims, approved by aged care members includes:

- a 13 per cent wage rise over four years
- additional catch up payments where nurses and personal care workers are receiving below standard industry rates
- abolition of low-care rates for registered and enrolled nurses
- a full-time registered nurse on site at each campus of each facility and at least two at night for facilities of 85 beds or more
- a clinical care coordinator rostered on a Monday to Friday morning shift
- staffing requirements in respect to skill mix and the overall number of staff (registered and enrolled nurses and personal care workers) on any given shift on the basis of 1:7 on AM, 1:8 on PM and 1:15 on night shift
- a three-level career structure for enrolled nurses, consistent with the public sector, rolling in the 4% medication allowance into a new Level 2 Authorised EN
- amendments to the personal care worker four-level career structure to enable advanced PCW 2 carers (those with Certificate III), currently restricted to Wage Skill Group 6, to be appointed to Wage Skill Group 8 (currently reserved for Certificate IV PCWs)
- exam leave for personal care workers and enrolled nurses
- paid time at home to complete online learning where an employer cannot provide computer facilities
- improvements to the long service leave clause
- the introduction of family violence leave
- improved redundancy provisions (including where there is a partial loss of hours).

See below for the link to the full log of claims.

**How your employer responds to your claims for improved wages and conditions and safer staffing levels depends on how involved in your campaign you and your nursing and personal care worker colleagues are at your workplace.**



**Do you have a Job Rep?** Does your nursing home have an ANMF Job Rep? You can be involved as much or as little as your circumstances allow. It's an important role that connects the union to your workplace. If you are a strong believer that you and your colleagues should be valued, recognised and rewarded for the important work you do, now is the time to become a Job Rep. Ask your Organiser or visit [anmfvic.asn.au/reps](http://anmfvic.asn.au/reps)



#### Important links

Log of claims, this is the list of improvements members are seeking: [goo.gl/iHwQQM](http://goo.gl/iHwQQM)

Value Recognise Reward aged care campaign page: [goo.gl/FC7zws](http://goo.gl/FC7zws)

[facebook.com/RespectOurWork](https://facebook.com/RespectOurWork)

# Campaign update #1 continued.

## Frequently asked questions about the enterprise bargaining agreement (EBA) process

**Why do private-for-profit aged care providers pay less?** Less than 30 years ago, whether a nurse or a personal care worker, you were paid the same rate for the same work in a public hospital as in a nursing home. Today private aged care rates for registered nurses and enrolled nurses are between five and 17 per cent less than public and private sector hospital rates, and personal care workers are between five and 10 per cent less behind a similar role in public aged care.

This occurred when Australia moved from having industrial tribunals determine your actual conditions of employment, to a process called 'enterprise bargaining', where employees (usually represented by unions) negotiate an agreement for wages and conditions to apply only with your employer. This has been an advantage for nurses in the public health sector, who have achieved vastly improved wages and conditions, such as 10-weeks paid parental leave and mandated (and now legislated) nurse/midwife patient ratios - through bargaining. The same cannot be said of nurses and carers in private aged care.

**Why has this gap opened between public sector wages and conditions in private aged care?** There are two broad reasons. The funding of private aged care is controlled by the Federal Government. To achieve public sector wages the Federal Government would need to provide additional funding, and your employer would need to agree to use it for this purpose. ANMF has achieved this funding in the past, on two occasions, and both times private aged care providers refused to use the additional funding to properly fix wages.

As important as funding, is the level of 'engagement' employees in private aged care have with the bargaining process, compared to employees in the public health sector. ANMF members in the public health sector recognise that industrial action is almost always a necessary step in achieving good outcomes and support the ANMF bargaining campaigns. What we need in private aged care is greater involvement of employees in the campaign at their workplace for better wages and conditions.

**When does the campaign begin?** Each current enterprise agreement has a 'nominal expiry date' contained in it. Usually an agreement goes for three to four years, and once we are within three months of its 'nominal expiry date' we commence the process of campaigning for a new agreement. The agreement doesn't actually expire, it is just a date that signals when to start bargaining for a replacement agreement. The nominal expiry date for your ACSAG agreement is 31 May 2017.

**Does my employer have to negotiate?** No. Your employer can simply ignore the log of claims, and try to avoid bargaining. However, ACSAG management has agreed to bargain and is already at the table.

**If my employer does agree to negotiate, what happens?** Your employer must firstly take all reasonable steps to distribute a written notice of your 'right to be represented by a bargaining representative' (such as ANMF) to each employee who will be covered by the agreement and is employed at that time. The notice is often referred to as an NERR. The notice can be emailed, posted, hand delivered or placed on a conspicuous notice board. ACSAG has, or will very shortly, post this notice. You don't need to do anything as the ANMF is automatically the bargaining representative for its members.

**What do we do if my employer refuses to agree on a fair deal?** This is where employee involvement again becomes critical. Firstly, attend any ANMF meetings at your workplace, and read any correspondence we send you. The most likely course if we cannot reach agreement is that we will discuss with members the potential to take legally protected industrial action. This is a normal part of bargaining in all industries right across Australia, and your right to do this is protected by law.

**What do we, as members need, to do then?** ANMF will apply to the Fair Work Commission (FWC) for a 'protected industrial action ballot order'. If the FWC approves the application, they issue an order requiring a vote of ANMF members on whether you support the industrial action options contained in the voting material. The ballot is secret, and conducted by the Victorian Electoral Commission, so your employer does not know who is voting or how you vote.

For the vote to be successful both of the following have to occur:

1. more than half of the members return a valid vote before the cut-off date; and
2. more than half the valid votes are voting yes to the question/s.

For the vote to be valid, you need to follow the instructions supplied by the Electoral Commission.

**If I vote 'yes' in the ballot do I have to take industrial action?** No. The ballot simply makes the taking of industrial action legally protected if we decide to take industrial action at a later time.

**How do we decide if we will take industrial action?** If industrial action becomes necessary to secure a fair outcome we will notify you again, with more information about the process, your options and your rights.

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