2024 Victorian Institute of Forensic Mental Health Services Bargaining.

Employer Log of Claim

1. Wages

A. Increase wages as follows:

Proposed Operative date	Wage increase (%)
01/07/2025	3%
01/07/2026	3%
01/07/2027	3%
01/07/2028	3%

B. In addition to annual wage increases, a separate lump sum, cash payment equivalent to an additional 0.5 per cent of overall agreement costs.

2. Strategic and Operational Workforce Issues to be Addressed through Bargaining

A. Reduce any unnecessary differences in procedural clauses between Health Sector Agreements where practicable (e.g. consultation/dispute resolution/family violence leave/redundancy etc.)

3. Removal of Redundant Terms

A. Remove Once off Nurse Alignment Payment – Nurses Only (Clause 74); Annual Retention Payment (Clause 119); Annual Retention Payment (clause 158); Annual retention Payment (Clause 206).

B. Amend Incidence and Operation of this agreement (Clause 11) to remove development of protocol (11.4).

C. Amend Implementation Committees (Clause 12) to remove sub-clause 12.4 which refers to the MHICC operating in accordance with its terms of reference as it is duplicated within the clause.

D. Amend Long Service Leave (Clause 47) to reflect LSL is available from 7 years (47.4(b)).

E. Amend Crisis Team Workload Management System (CTWMS) (Clause 61) to remove dates for introduction (61.2).

F. Remove completed items from Best Practice Employment Commitment clause (Clause 68).

G. Remove completed items from Royal Commission Working Group clause (Clause 69).

H. Remove On-call/Recall Allowance clause (Clause 82 and Clause 123) as these clauses only work is to refer to other clauses later in the Agreement.

I. Remove Schedule 11 – Lived Experience Worker Translation Process as no longer required,

J. Amend Qualification Allowance (Clause 125) to delete sub-clause 125.4(b) as conflicts with 125.5.

K. Amend Schedule 2 – Salaries and Allowances to remove grades with commuted allowance other than those at the top of the grade as no longer used.

4. Addressing Terms Disputed During Life of the Agreement

A. Amend Crisis Team Workload Management System (CTWMS) (Clause 61) – address issues identified over the life of the Agreement such as accrual interaction with leave.

B. Amend Meal Interval (Clause 135) to ensure all employees have an entitlement to a meal break.

C. Amend Annual Leave (Clause 143) to clarify the cap on leave loading applies on a pro rata basis.

5. Revise Terms that Require Excessive Manual Intervention

A. Amend Duty Roster (Clause 132) & Rosters (Clause 188) to replace the requirement to record the meal break on the roster in sub-clause 132.3 and 188.3 with an alternative recording mechanism.

B. Amend Annual leave (Clause 101) & Annual Leave (Clause 143) to reduce the level of manual intervention required within sub-clauses 101.9(c) and 143.9(c).

C. Amend Public Holiday sub-clauses 104.9, 197.10 and 236.9 to replace the requirement to determine average daily hours worked over the previous 6 months as this is a manual process with an alternative approach that is cost neutral.

D. Amend Meal Allowance (Clause 83) to replace the requirement at sub-clause 83.5 to provide a cash payment with an electronic transfer with the pay cycle.

6. Consolidation of Inefficient and/or Historical Payment Terms

A. Conclude preserved Change of Shift Allowance PEN and MHO (Clause 78) through a one-off payment.

7. Equity

A. Ensure all clauses utilise gender neutral language throughout Agreement.

8. Clauses to be Clear and Practical

A. Update Overtime clauses (clause 93, 136, 184 and 224) to clearly reflect rates for casual employees (where applicable).

B. Modernise classification Applying to Health Professionals (Schedule 5); Management and Administrative Officers Classifications (Schedule 6) & Health and Allied Services Employee Classifications (Schedule 7). structures to reflect work undertaken within Mental Health settings.

C. The term 'year' is used throughout the Agreement but is not defined. The proposal is to include a definition of Year in clauses to reflect the status quo.

D. Clarify the operation of annual leave accrual for weekend workers in clause 101 - The current Agreement amended the accrual of annual leave for weekend workers from 1 July 2022.

E. Amend the Annual Leave clauses (Clause 101, 143, 195 and 232) to provide greater flexibility in cashing out of annual leave.

F. Clarify evidence requirements in Personal Leave (Clause 102, 144, 196 and 235) aligns with a standard that would satisfy a reasonable person.

G. Clarify clause 22 (Dispute Resolution) – Clarify current term that collective disputes still require an attempt to resolve collective disputes at the local level.

H. Clarify how the crib time allowance contained within sub-clause 100.2(c) of the Rest and Meal Breaks clause operates.

I. Align the operation of subclause 104.8(b) – Night shift commencing on a public holiday with the current sector wide approach.

J. Clarify definition of year of experience for lived experience workers.

9. Clauses to be Compliant and Complete

A. Update list of protected attributes in Anti-Discrimination (Clause 16) to reflect s. 351(1) of Fair Work Act 2009.

B. Update Agreement to reflect Fair Work Act changes to family violence leave, parental leave, flexible working arrangements/IFAs, public holidays, discrimination/sexual harassment, compassionate leave, casual conversion & personal leave (from Modelez Aust Pty Ltd v AMWU & Ors – PL calculated in working days not hours) to ensure clause complete and compliant.

C. Update agreement to reflect fixed-term contract changes.

D. Ensure all wage/allowance rates are above minimum modern award rates.

E. Remove references to 'medication endorsement' for PENs (no longer an endorsement, now standard and notation if not held).

10. Supplementary Roster

A. Amend the Supplementary Roster clause (Clause 99) to facilitate the introduction of an electronic system.

11. Night Shift Arrangements

A. Insert provisions designed to support permanent night shift by mutual agreement and also to mitigate against fatigue arising from the transition between night duty and day duty.

12. RUSON – Flexible Employment and Wage Setting

A. Amend the Undergraduate Employment Models clause (Clause 109) to recognise fluctuations in RUSON availability during the academic year and increase the number of RUSON that can be rostered onto a shift.

13. Career Pathways – Leadership and Development

A. Amend Registered Psychiatric Nursing Classifications clause (Clause 114) to provide clear guidance on the purpose of roles at each level (introduce stream structure).

14. Insert Additional Classifications

F. Insertion of an OVA Co-ordinator classification that Health Services can elect to appoint to.

G. Counsellor – Insert classification of counsellor into Agreement to support the trial within Monash Health.

15. Obligations to Address Fatigue / Working Excess Hours Across Multiple Employers

A. Amend the Occupational Health and Safety / Workplace Violence (Clause 70) clause of the Agreement to mitigate against the risk of fatigue for employees working across multiple employers.

16. Reduce Workforce Limitations in Agreement

A. Discussion on whether this Community Health Discipline Mix (Clause 57) clause can be improved to reduce limitations on workforce while retaining sufficient numbers of nursing staff in teams.

B. Amend sub-clause 107.13 within Staffing clause to prioritise permanent employees over casual employees.

17. Staffing Levels

A. Amend subclause Cl 108.3(c)(v) of the Workload Management clause so that the maintenance of the staffing profile is subject to occupancy or utilise redeployment.
B. Review of Early Intervention Support Team effectiveness and subsequent amendments.
C. Review of Schedule 11 – additional staffing effectiveness and subsequent amendments.
D. Ensure Forensicare staffing is aligned consumer needs, including acuity, complexity and recovery pathways.

18. Alternative Dispute Resolution Procedure

A. Review the effectiveness and efficiency of the Alternative Dispute Resolution Procedure (Clause 23) in assisting with the resolution of classification disputes.