



ANMF (Vic Branch) Policy

Redeployment: 'spill and fill' circumstances

This policy is intended to give guidance in relation to equal employment and career opportunities to all Australian Nursing and Midwifery Federation (Victorian Branch) [ANMF (Vic Branch)] members that may be impacted by an organisational redesign process that may involve a collapsing, amalgamation or relocation of services and which results in a 'spill and fill' of nursing and/or midwifery positions.

Organisational change processes are governed by the relevant enterprise agreement or award and the National Employment Standards (NES) with respect to consultation and rights to be represented, notice, redeployment and redundancy payments. These instruments set out the minimum obligations of employers and employees with respect to organisational change, whereas this policy provide best practice guidance.

Policy

It is the policy of the ANMF (Vic Branch) that:

1. Any change to services must not occur until a plan of service provision, including employees' EFT, classifications and organisational structure have been agreed to by the ANMF (Vic Branch).
2. To facilitate agreement and deal with any disputes arising from the proposed change, a Consultative Committee should be established comprised of equal numbers of ANMF (Vic Branch) nominated representatives and employer representatives.
3. Once a written agreement is reached as to the matters outlined in point 1, appropriate voluntary redundancy packages (VDP) are to be offered at all workplaces within the health service. This is to occur before any rationalisation takes place.
4. All positions affected by the change are to be declared vacant ('spill') and readvertised (where there will be more than one affected employee). Where the employer creates a new role(s) substantially similar to that/those 'spilled', those employees whose positions were 'spilled' should be given priority for redeployment into the new role(s) before considering other applicants.
5. All vacant nursing/midwifery positions within the health care service shall be advertised internally with priority given to placing affected employees in vacant positions.
6. Applicants who are not successful in being redeployed to an alternative position in an amalgamated ward, unit or service shall be invited to apply for vacancies in other areas within the health care service prior to those vacancies being advertised externally.
7. Unsuccessful applicants should then have access to a redeployment period of not less than 13 weeks during which redeployment, to an equivalent position shall occur subject to the applicant meeting the criteria for the position. Where an unsuccessful applicant requires

reskilling or additional educational preparation to fulfil an element of a specified selection criteria, all reasonable attempts will be made by the employer to ensure that reskilling is provided by the employer at no cost to the employee.

8. Where an applicant is unsuccessful in applying for a position of a comparable classification (see point 5) the affected member will have the option of a nursing position and equivalent hours of work and roster pattern at a lower classification with a minimum of 12 months' salary maintenance; and should also be given an option to make application for any vacant position advertised in a higher classification, that is not affected by the spill.
9. Any offer of redeployment will consider the geographical location of an alternative position so as not to disadvantage the applicant (e.g. distance or access to public transport).
10. Despite point 3, if the applicant is not able secure a comparable position (or accepts a position of lower classification, with salary maintenance) the applicant may apply for a voluntary redundancy package in accordance with government policy, or where employment is within the private sector, in accordance with the relevant enterprise agreement or NES.
11. If after redeployment a vacancy arises on the applicant's original (amalgamated) ward or department the applicant/s must be given first option of returning to that ward or department.
12. AN/MMs who are unsuccessful in obtaining a permanent AN/MM position will be eligible to apply for reclassification to the position of CN/MS and receive appropriate salary maintenance (see point 8).
13. Affected employees with a CN/MS classification shall, where possible, be employed in their area of clinical practice thus enabling them to maintain their CN/MS classification. If this is not possible, the applicant shall be eligible for salary maintenance or retraining, at no cost to the applicant, in another area to allow them to retain their CN/MS status.
14. Interview panels must include a nursing/midwifery member from each affected location / worksite.
15. This policy should be read in conjunction with the relevant Organisational Change provisions, where they exist.

Any grievance or dispute that arises from the appointment or selection of applicants or employees in relation to the spilled positions shall be referred to the Consultative Committee for attempted resolution within fourteen days. Alternatively, members of the ANMF (Vic Branch) can avail themselves of procedures provided to facilitate the resolution of disputes contained in an applicable enterprise agreement.