



**THAW YOUR
FROZEN HEART
BOLTON CLARKE**

WEDNESDAY 21 AUGUST 2024

BOLTON CLARKE EBA UPDATE

LATEST OFFER EXPLAINED

STATUS OF NEGOTIATIONS

ANMF will be meeting with Bolton Clarke representatives on Wednesday (today) to discuss an updated version of the EBA provided to ANMF on 14 August. We also have an ongoing conciliation in Fair Work Commission on Thursday 22 August afternoon.

It is likely that Bolton Clarke will put their proposed agreement out to ballot shortly. Unless the wages and allowances are improved (including the percentage increases proposed for 2025 and 2026) ANMF cannot recommend the current Bolton Clarke offer to members. If it is put to ballot, we urge members to **VOTE NO.**

While we have negotiated significant improvements to the offer over the last three months, the wages and allowances, in particular, are inadequate.

MEMBERS MEETING – 4.30PM, WEDNESDAY 21 AUGUST

ANMF members are invited to an online meeting at 4.30pm, Wednesday 21 August 2024. This meeting will discuss further the Bolton Clarke wages, allowances and conditions offer.

You will find the meeting link on the email version of this update.

DIFFERENT PAY RATES FOR THE SAME WORK – DON'T LET BOLTON CLARKE DIVIDE YOU

The pressure of your industrial action has resulted in a lifting of wage rates and length of the agreement, however, many existing staff will have higher rates than new staff who will receive less pay for doing the same work!

Bolton Clarke has offered that existing staff with personal hourly rates higher than the new classification structure, which will apply to new staff only in the agreement, will receive 3% (2024), 2.5% (2025) and 2.5% (2026) increases on top of their personal rates. Bolton Clarke is hoping that you will accept the increases but leave new employees that come into the organisation on the lower agreement rates.

WAGES: WHAT IS THE OFFER?

On 14 August Bolton Clarke made an offer for personal care workers, enrolled nurses and registered nurses. The rates offered for key classifications are:

Classification	Bolton Clarke offer per week	Victorian aged care industry standard per week	ANMF's concern
Unqualified carer	\$1208	\$1200-\$1210	
Cert III PCW	\$1222	\$1240-\$1260	This should be at least \$1240 to match major networks such as BlueCross.
Cert III Senior PCW	\$1264	n/a	
new classification after 4 years' experience, to apply from the start of the agreement			
Cert IV PCW	\$1308	\$1295-\$1310	
Cert IV Specialised	\$1360		
new rate only as required and appointed by BC			
EN top rate Pay Point 5	\$1469	\$1480-\$1500	This should be higher at \$1487 (an extra \$1000 per year).
RN L1 top rate	\$1820	\$1850-\$1880	The RN L1 rates should be 1.5% higher. Very few aged care networks pay \$1820. Almost all pay \$1850-\$1880 and the endorsed public sector rate is \$1927 per week from 1 July.
After Hours Supervisor or CCC in an aged care facility or CNC C	\$2254	\$2270-\$2300	Baptcare, Calvary, BlueCross pay about \$2320 per week. That's about \$75 extra per week or more than \$4000 per year.

ANMF cannot recommend members accept these wages. Members have done a great job so far, but Bolton Clarke needs to offer more on wages and allowances to achieve a fair deal.

Reasons to reject the current wages offer:

- Starting rates:** while we acknowledge there has been some movement on starting rates for RN L1 Yr 7 to L3 B Y1, the rates for PCWs, ENs and RNs remain too low for ANMF to recommend members acceptance.
- Bolton Clarke has not committed to specific dates for wage increases, for example, setting increases to apply on 1 July 2024 and then 1 July in both 2025 and 2026. Instead, Bolton Clarke is only offering the 2024 rates from the 'date of approval' of the EBA by the Fair Work Commission (FWC) and then on the anniversary of that date. ANMF has no control over the date that the FWC approves an agreement. It could be October or November. Bolton Clarke will save thousands of dollars through delaying payments.
- The annual increases in 2025 and 2026 must be 3% or more. The starting rates are not at a level where 2.5% is acceptable.
- The EN Advanced rate should have a much wider gap to the PP5 than the \$7.60 proposed, for example there is a gap \$56 gap between RN L1 PP8 and RN
- Advanced, ANMF has proposed \$1522.83 which is \$35 above the proposed PP 8 rate of \$1487.83.
- There must be a clear and binding Stage 3 clause that says not only will Bolton Clarke pass on the Commonwealth Government's aged care work value funding in full, but also that Bolton Clarke will not seek to absorb scheduled wage increases under the EBA against the Commonwealth-funded aged care work value increases (as they did with the Allity 1% increase in October last year). In other words, Bolton Clarke must pay the aged care work value Stage 3 increases in addition to the EBA scheduled wage increases and in chronological order.
- Bolton Clarke must also increase allowances in line with all wage increases, including the Stage 3 aged care work value increases. Every provider did this with the Stage 2 aged care work value increases, except Bolton Clarke. This is one of the reasons why Bolton Clarke allowances are currently so low. Bolton Clarke have indicated that they will probably be able to agree to a clause around Stage 3.

SHIFT ALLOWANCES: WHAT IS THE OFFER?

The shift and on-call allowances are very low.

Bolton Clarke's updated offer to index allowances by the wage increases over the life of the agreement, rather than freeze them, is welcome. However, this does not fix the fundamental problem that the starting point for allowances is much lower than the rest of the industry.

The on-call allowance is effectively half of almost all major networks at \$31 Monday to Friday. Current RDNS EBA covered nurses who are receiving \$72 will go backwards by \$41 per on-call period. Bolton Clarke are refusing to grandfather this higher rate and provide an industry rate of around \$70 per 12-hour period.

Allowance	Bolton Clarke offer	Industry standard	ANMF concern
PM RN	\$28.79	\$3- \$4 higher	
PM EN	28.79		
PM PCW	24.90		
Night shift RN	57.60	\$9-\$11 higher	
Night Shift EN	57.60	A permanent night shift worker (150-180 night shifts a year) would earn \$2000 less than industry standard. This is a significant loss.	
Night Shift PCW	49.79		
On Call RN Mon-Fri	\$31.01	\$68-\$74	Current RDNS EBA covered nurses receiving \$72 will go backwards by \$41 per on-call period. Bolton Clarke are refusing to grandfather this higher rate and provide an industry rate of around \$70 per 12-hour period.
On call RN Sat, Sun and public holidays	\$40.00		

OTHER IMPORTANT MATTERS

ANMF was asked by the Fair Work Commission to identify the crucial issues remaining if the wages issues above were resolved. We identified:

1. **Personal leave grandfathering for RDNS and McKenzie employees:** this is keenly felt and up to 1000 employees are affected (400 RDNS and 600 plus McKenzie). **This was offered in June but when the 2% wage offer was made in July the grandfathering offer of 19 days for affected employees was withdrawn. Bolton Clarke continues to reject grandfathering saying that the serious injury/illness pool is sufficient (see below).**
2. **The serious illness/injury pool** that employees have access to if their personal leave is exhausted, needs to be available no matter when an eligible employee applies through the year. Bolton Clarke has lifted the cap on hours in the pool from 7000 to 10,000 and has committed verbally that no employee will be disadvantaged if they apply later in the year when the pool may be exhausted which has been our concern (we are yet to see the final wording).
3. **Professional development leave:** ANMF is seeking 5 days a year (which is the public sector and most aged care networks entitlement) but they won't move from the existing 3 days in Allity (4 in RDNS). We note that the issue of extending exam leave to PCWs and ENs doing nursing studies has been agreed. **This claim for 4 or 5 days CPD has been rejected.**
4. Inclusion of an appropriate classification for an RN in-charge of section/unit in a residential facility. **This claim has been rejected.**
5. **Vehicles:** Bolton Clarke reneged on an earlier offer to grandfather the higher \$1.11 per kilometre rate for about 35 Home and Community Care Service employees and has rejected making a contribution to roadside assistance subscriptions for those using personal vehicles. However, ANMF insists that where a personal car is off the roads because of breakdown or accident that Bolton Clarke commits to try and find a pool vehicle and/or to allow those without short-term use of a car to do office bound duties or training. **This is still under consideration by Bolton Clarke.**

- Overtime:** it is essential that the triggers for payment of overtime are clear. We have proposed two options. The first is that all hours after the standard fulltime shift length for the AM/PM shift (8 hours) or night shift (9.5 or 10 hours) be paid as overtime. The second is that any additional hours offered/requested on the day an employee is already working would be overtime whether agreed voluntarily or required by Bolton Clarke. **This has been rejected.**
- Staffing clause: we need words to ensure that a) one EFT of Care Manager is appointed at each facility, b) that in the absence of a Care Manager on PM, night and weekend shifts that an RN After Hours Supervisor is appointed and paid at the appropriate level 3 rate. On the rare occasion an RN isn't available to be in charge of the shift then an EN will be appointed and paid the EN in-charge of facility allowance (with an RN on-call). **This has been agreed with wording still to be finalised.**

CONDITIONS: WHAT IS THE OFFER?

The conditions in the proposed agreement are reasonable from an aged care sector perspective, but they are not public sector standard. The main features are:

- Long service leave:** our standard long service leave (LSL) of 26 weeks after 15 years but accessible from 7 years (and paid out on termination/death at 7 years). In addition, the state LSL legislation will regulate how the LSL is applied and that means that unpaid parental leave up to 12 months on each occasion will be recognised as service for the purposes of accruing leave. Few other agreements contain this benefit.
- Parental leave:** 10 weeks paid parental leave which is the Bolton Clarke policy nationally. Superannuation will be paid on paid parental leave (but not on any unpaid leave unfortunately). Full access to the paid leave for still birth after 20 weeks (Bolton Clarke only relented to offer paid leave on 14 August). Permanent placement of a child will be treated the same as adoption and will attract the same paid parental leave.
- Family and domestic violence (FDV) leave:** 15 paid days for all staff, including eligible casuals
- Personal leave:** 16 days after 4 years' service plus a pooled fund for serious injury and illness of 10,000 hours a year. That is a 6-day improvement for the RSL Care covered employees (now on 10 days) but a loss of 3 or 6 days per year for about 1000 RDNS/McKenzie employees who were at 19 days and 21 days respectively. Bolton Clarke had promised to grandfather 19 days for them but reneged on that offer when they increased the wages offer in July.
- Annual leave:** an improvement with both RNs and ENs getting 5 weeks annual leave and 6 weeks if you are a shift worker. Unfortunately, future Community Care Aides in Home and Community Support will not get 5/6 weeks (it will be 4/5 as per PCWs and aged care employees) but existing CCAs will have their higher entitlement grandfathered. There will be a single

definition of shift worker for all employees which is a consistent test for all staff and more generous for RNs/ENs than currently exists (effectively regularly works weekends and/or works regularly outside the hours of a day worker).

- Bolton Clarke have agreed to Level 3 PCW Cert III Senior starting immediately in the so that provides some relief from the otherwise low wage offered for Cert III PCW at Level 2.
- Bolton Clarke have agreed that Cert IV PCWs will automatically progress to a L4A (so a classification between the Cert III Senior and the L4 Cert IV Specialist) if you have or obtain a Cert IV. In the new Aged Care Award structure, the Level 5 PCW (Cert IV Specialised PCW) is only available when required by the employer and is by appointment only.
- Creation of an EN Advanced for the Home and Community Support area but we are still in dispute about the rate.
- Bolton Clarke will agree to a clause to recognise the education of students of nursing, who are working as PCWs, for the purposes of classification at Level 2 of the agreement (which requires a Cert III).

PROTECTED INDUSTRIAL ACTION CONTINUES - UPCOMING STOP WORK SCHEDULE

Please note that as we continue to negotiate, Stage 1 and Stage 2 protected industrial action as previously notified continues. With respect to Stage 2 the schedule is:

Tuesday 20 August: Northern hub will stop work for last two hours of shift. ANMF members on PM shift will stop work for two hours at a time of their choosing during their shift.

Wednesday 21 August: Western hub will stop work between 10am to 12noon. ANMF members rostered on PM shift will stop work for two hours at a time of their choosing during their shift.

Thursday 22 August: Eastern hub will stop work last two hours of shift (including clinical advice line and associated nurse-led advice lines). ANMF members rostered on PM shift will stop work for two hours at a time of their choosing during their shift.

Friday 23 August: stop work from 1pm to 3pm for Bolton Clarke Avonlea (3-7 Patty Street, Mentone) and all surrounding residential facilities. All Bolton Clarke members from the Home and Community Support Southern Hub and Homeless Persons' Program are encouraged to attend the rally at Bolton Clarke Avonlea. And the last two hours of shift for all HCS hubs.

Monday 26 August: Southern hub members will stop work for two hours between 10am and 12 noon on ANMF members rostered on PM shift will stop work for two hours at a time of their choosing during their shift.

Tuesday 27 August: Northern Hub members will stop work for the last two hours of their rostered shift. ANMF members rostered on PM shift will stop work for two hours at a time of their choosing during their shift.

Wednesday 28 August: Western Hub members will stop work for two hours between 10am and 12noon. ANMF members rostered on PM shift will stop work for two hours at a time of their choosing during their shift.

Thursday 29 August: Members of the ANMF employed at Eastern Hub (including Clinical Advice Line and associated nurse-led advice lines) will stop work between 10 am and 12 noon. ANMF members on PM shift will stop work for two hours at a time of their choosing during their shift.

PAY DOCKING

If you are experiencing hardship as a result of pay docking, please make an application via the Hardship Fund. To make an application please use the link provided

anmfvic.asn.au/bchardshipform.



(Please note: you will need a copy of your pay slip outlining the docked pay to make an application.)

You will need to tell us the date of the docking, the pay date and what has been deducted from your pay, your classification and hourly rate and describe the hardship experienced because of the docking.

If you have any workplace issues, please contact the Industrial Relations Organiser for your hub/facility via records@anmfvic.asn.au as follows:

Allity – Camberwell Green, Toni Coughlin

Allity – Claremont Terrace Hostel, Jo Petrini

Allity – Glendale Aged Care Facility, Te Arahi Samakowidic

Allity – Greenview Aged Living, Ann-Marie Thompson

Allity – Highwood Court Aged Care, Mietta Van Dam

Allity – Medina Manor Hostel, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Allity – Montclair, Jo Petrini

Allity – Princeton View Aged Care, Jo Petrini

Allity – Riddell Gardens Hostel, Cassia Drever-Smith

Allity – Tannoch Brae Aged Care, Cynthia Salmons

Allity – Templestowe Manor, Liana Coulthard

Allity – Trevi Court, Lisa Harvey

Allity – Head Office, Toni Coughlin

Bolton Clarke (Head Office), Toni Coughlin

Bolton Clarke – Avonlea Jenna Nelson

Bolton Clarke – Bayside, Jenna Nelson

Bolton Clarke – Lexington Gardens, Jenna Nelson

Bolton Clarke – Lilydale Residential Aged Care, Nicole Brown

Bolton Clarke Central Office, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Eastern Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Homeless Persons Program, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Northern Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Rally Healthcare, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Southern Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Support Centre, Bill Foord-Engelsman (backfilling Alana Ginnivan)

Bolton Clarke Western Melbourne Metropolitan Hub Bill Foord-Engelsman (backfilling Alana Ginnivan)

McKenzie Aged Care – Charlesbrook, Liana Coulthard

McKenzie Aged Care – Lynbrook Park, Nicole Semmler

McKenzie Aged Care – Newmans on the Park, Liana Coulthard

McKenzie Aged Care – Rosebrook, Kate Hyland

McKenzie Aged Care – Sutton Park, Cassia Drever-Smith

McKenzie Aged Care – The Ashley, Liana Coulthard

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Case ID: 1007519