

Retain Recruit Rebuild

A Victorian mental health nursing workforce plan

It is an understatement to say the last four years have taken a toll on Forensicare nurses.

We continue to work above and beyond for the Victorian community through the ongoing impacts of the COVID-19 pandemic, multiple natural disaster events, and the resulting significant workforce pressures.

The Royal Commission into Victoria's Mental Health System is more than a third of the way through its 10-year reform; whilst this has been a welcome and long overdue reform, there need to be improvements to terms and conditions of employment to retain, recruit and rebuild the mental health nursing workforce that is leading this change.

There is a deep level of exhaustion being experienced by Forensicare nurses, worsened by the corrosive impact of the rising cost of living. The 2025–2028 enterprise agreement is an opportunity for the Victorian Government, and the executives who manage our public health services, to repair and acknowledge the workforce. Government and management must demonstrate they have deeply listened to and understood Forensicare nurses' concerns and experiences.

This claim is based on ANMF members' resolutions endorsed by previous delegates conferences. It provides further clarification of the intent of current EBA clauses, and offers practical solutions to reduce unnecessary and unproductive disputes. It identifies ways to significantly improve the working lives of nurses and our ability to provide safe consumer treatment, care and support.

To **retain, recruit and rebuild** our Forensicare nursing workforce we must have an enterprise agreement that values and rewards nurses, improving our conditions and entitlements with a focus on safety for all and gender equality in the workplace.

A valued Forensicare nursing workforce will deliver the improved outcomes needed for consumers, and the broader Victorian community.

A. Preliminary

1. Review and amend existing EBA anomalies and clauses as necessary to provide clarity and remove ambiguity.
2. Amendments to reflect the National Employment Standards (NES) where more beneficial.
3. All existing EBA terms to transfer to the replacement agreement unless specifically amended by this claim or agreed in negotiations.

B. Incorporate achievements won by nurses and midwives in the general public sector

Inclusion of the improvements achieved in the 2024–2028 general nurses and midwives EBA outcome and 2025-2028 Victorian Mental Health Agreement, including:

1. Wages and allowances for registered nurses and enrolled nurses to be increased to maintain parity with public sector general nursing.
2. Qualification allowance to increase and provision amended to improve and streamline application, to align with general nurses and midwives EBA outcome.
3. Expansion of the change-of-roster allowance to be paid when the 28-day roster is not posted 28 days in advance and amendments to the provision to align with general nurses and midwives EBA outcome.
4. Increase to night shift allowances.
5. Introduce a clause for permanent night shift and associated entitlements to align with general nurses and midwives EBA outcome.
6. Amendments to the annual leave provision (including annual leave loading to be applied to five weeks annual leave entitlement), to align with general nurses and midwives EBA outcome.
7. An increase in the number of single-day absences without evidence per year (from three to five) and the occasions that a statutory declaration can be used (from three to five).
8. Improved parental leave provision, including the removal of qualifying period.
9. Improved transition-to-retirement provision.
10. Improved ceremonial leave for Aboriginal and Torres Strait Islander nurses, including recognition and support for Aboriginal and Torres Strait Islander peoples' periods of mourning.
11. Introduce foster and kinship care clause, including paid leave.
12. Weekend casual rate to be standardised at 187.5%.
13. Introduce redeployment (change-of-ward/unit) allowance.
14. A minimum 47-hour break following night shifts before returning to work for an AM/PM shift.
15. Stronger provisions to enable employees to schedule their accrued days off (ADOs) on a date they request.
16. Improved overtime provision to align with general nurses and midwives EBA outcome.
17. Improved entitlements when working away from home to align with general nurses and midwives EBA outcome.
18. Portability of service when relocating from interstate public health sector to Victorian public health sector.
19. Amendments to (further) limit fixed-term/ maximum-term employment and clarify notice period.
20. Ability to access a minimum of two consecutive days off a week for employees working above 0.8 EFT.
21. Simplify application of four clear days off provision by introducing an allowance to align with the general nurses and midwives EBA.
22. Amended public holiday clause to expressly refer to Easter Sunday and Grand Final Eve. Update to 'Kings' Birthday.
23. Improved definitions within the agreement, including:
 - a. consultation and roster consultation clauses
 - b. managing conduct and performance
 - c. immediate family
 - d. adoption
 - e. a year of service
 - f. a year of experience
 - g. normal weekly hours of work (LSL).
24. Ability to access long service leave in days rather than week blocks.
25. Superannuation to be paid during workers compensation, defence leave, jury duty and no safe job leave (whether paid or not paid).
26. Amendments to family violence leave provision to align with general nurses and midwives EBA outcome, including to be paid as if at work and extend paid entitlement to casual employees.
27. Payment of disaster leave to apply per disaster 'occasion' rather than 'per year'.
28. Telephone allowance to be rolled into on-call allowance.
29. Positive obligation on the employer to recover overpayment to salary packaging.
30. Employers to cover the cost of employer-required checks to align with general nurses and midwives EBA outcome.
31. Amendments to improve access to long service leave and annual leave records.
32. Introduce a new right-to-disconnect clause.
33. Review and consolidate clauses dealing with vacancies and backfill.

34. Improved on-call and re-call provisions to align with general nurses and midwives EBA outcome.
35. Improved access to flexible working arrangements aligned with general nurses and midwives EBA outcome.
36. Pre-natal leave to be expanded to cover assisted reproduction appointments.
37. Amendments to letter-of-appointment provision and Schedule 8 to align with general nurses and midwives EBA outcome.
38. Improved provisions addressing occupational health and safety (OHS), equal opportunity and anti-discrimination, including:
 - a. New provisions to better facilitate return to work from illness or injury, particularly psychological injury.
 - b. Lists of Designated Work Groups (DWGs), Health and Safety Reps (HSRs), their training dates and vacancies will be provided to ANMF at set points in a year.
 - c. Provisions aimed at preventing and addressing gendered violence, focusing particularly on an agreed approach to prevent sexual harassment.
 - d. Greater access by ANMF to participate in the occupational violence and aggression (OVA) prevention and management committee, including to discuss specific workplace issues relating to OVA.
 - e. Audits of manual handling incidents to take place to inform whether manual handling training can be improved.
 - f. Amend accident make-up pay to reflect WorkCover-scheme determined pre-injury average weekly earnings.
 - g. Improved anti-discrimination clause to reflect and respect diversity i.e. expanding protected attributes and intersex status.
 - h. Improved gender based standing committee clause i.e. gender equity activities to be a standing agenda item at local workplace implementation committee (WIC).
39. Improved RUSON provision to align with general nurses and midwives EBA outcome, including RUSON rate to increase to 81.5% of the graduate rate.
40. Improved criteria and application process for Clinical Nurse Specialist (CNS) to align with general nurses and midwives EBA outcome.
41. Review and amend professional development and associated entitlements provision to align with general nursing and midwives EBA outcome, including improvements to accessing professional development and study leave.
42. Introduce new climate change clause that acknowledges climate change as a health issue to align with general nurses and midwives EBA outcome.
43. Establish a central building consultative committee to ensure consultation on construction and refurbishment.
44. Introduction of a personal leave pool.

C. Salaries, classifications and related matters

1. Introduce research nurse classification structure.
2. NUMs to translate to two-level structure with agreed definitions.
3. Introduction of a new yearly increment for nurse practitioners and updating classification descriptor.
4. Improved descriptor for director of nurses (DON).
5. Amend senior mental health nurse provision to reflect agreed changes to descriptor.
6. Improved progression for Forensic Nurse Program Managers with increments.

D. Community mental health

1. Introduce measures to support building the nursing workforce to provide a community team response whereby the mental health and physical health needs of clients are met, to be achieved by:
 - a. expanding the obligation to maintain a staffing profile based on EFT of nurses for all community mental health teams;
 - b. to transition to a minimum number of nurses working in each community mental team during the life of the agreement so that the community has access to mental health nurses; and
 - c. minimum allocation of one (1) EFT of senior nurse (RPN 4) in each community mental health team to ensure ready access to discipline leads and specific expertise.
2. Community mental health team intake roles to be classified at RPN 4.
3. Review and amend existing community workload management system (CWMS) clause to provide for an improved mechanism to measure workload and facilitate allocation of time to complete organisational and practitioner development.
4. Review and amend crisis team workload management system (CTWMS) clause to reduce ambiguity around its practical application.

E. Nurse:patient staffing profiles for bed-based services and related staffing matters

1. Provision that clearly sets out the minimum staffing profiles for all bed-based services in accordance with previously mapped and agreed staffing arrangements recorded in MOU/Deed as part of the agreed matters to be implemented alongside the making of the current 2020–2024 enterprise agreement.
2. Provision of a graduate support nurse across seven days for all acute inpatient units, following the successful pilot at other mental health services.
3. Each High Dependency Unit (if any) to have an in charge rostered on each shift and paid an allowance for being in charge.
4. ANUMs on each unit to be supernumerary.
5. Include agreed nursing positions of the previously agreed 800 EFT outcome from signed MOU between the department, the Victorian Hospitals' Industrial Association (VHIA) and unions arising out of the outcome for the current 2020–2024 enterprise agreement.
6. The appointment of a minimum of two mental health nurse practitioner (NP) positions in all mental health services (where they do not already exist) with special consideration to regional areas. Retention of all existing mental health nurse practitioner positions.

F. Further employment related conditions and other matters

1. Introduce a fitness-for-work clause to align with general nurses and midwives EBA.
2. Amendments to the reasonable adjustments clause to align with improvements in general nurses and midwives EBA outcome.
3. Introduce new comprehensive 12-hour rosters clause to mitigate fatigue.
4. Portion of accrued personal leave entitlement to be paid out on retirement.
5. Increase to paid parental leave.
6. Increase entitlement to paid compassionate leave from four to seven days per occasion.
7. A nominal expiry date of 30 June 2028 to align more closely with the general nurses and midwives EBA.
8. The ANMF reserves the right to table additional matters as they arise in the course of drafting and in response to matters arising during bargaining for a new enterprise agreement.