



SENATOR THE HON RICHARD COLBECK

Minister for Aged Care and Senior Australians

Minister for Youth and Sport

Ref No: MC20-010281

Ms Annie Butler
Federal Secretary
Australian Nursing and Midwifery Federation
PO Box 4239
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Dear Ms-Butler *Annie,*

Thank you for your correspondence of 22 April 2020 on behalf of the Australian Nursing and Midwifery Federation (ANMF) following our meeting on 21 April 2020 concerning matters facing the aged care sector during the COVID-19 pandemic. I note you have also written to me following our 27 April meeting and as mentioned on our 4 April call, I will respond to that as soon as possible.

It was a pleasure to speak with you about these important matters, including the aged care retention bonus and influenza vaccine.

In response to your concerns about employers pressuring staff to limit their employment to a single employer, this is concerning and is not in keeping with the expert advice provided to date. The Aged Care Quality and Safety Commission has issued advice to residential aged care providers in relation to screening of people entering residential aged care facilities. This advice issued on 22 April (enclosed) states that a key strategy to minimise the risk of viral transmission to aged care residents is to screen staff and visitors on entry to the facility and to ensure that other practices are in place including handwashing, interpersonal distancing and cleaning.

In addition, as per guidance on the Department of Health's website, health and aged care workers can still go to work if they have had casual contact with COVID-19 cases and are well; and/or have directly cared for confirmed cases while using PPE properly, provided they monitor themselves for symptoms and self-isolate if they become unwell. If, however, there is an outbreak in a service, the local state or territory public health unit will be responsible for investigating and managing the outbreak and it is important for providers and staff to follow its directions.

In situations where employers provide directions to employees about limiting employment to a single facility, the appropriate mechanism for resolving this in the first instance is for the employee to work directly with the provider to seek a resolution.

While I cannot provide you with detailed advice, there may also be a range of options available under the *Fair Work Act 2009* if the matter cannot be resolved between the employee and employer. For example, if the affected employee is covered by an enterprise agreement, there may be dispute resolution mechanisms available through the Fair Work

Commission's independent industrial tribunal.

The Fair Work Commission has a dedicated email address for COVID related disputes: COVID19applications@fwc.gov.au. If an employer seeks to dismiss an employee, they may be able to seek a remedy under the general protections, or unfair dismissal provisions of the *Fair Work Act 2009*, depending on the circumstances. The ANMF or its members may wish to seek legal advice on these options. As this issue engages with Workplace Health and Safety matters, which are the responsibility of state and territory governments, any employee may also wish to contact the relevant WHS regulator.

With regard to access to nurse practitioners, the Medicare Benefits Schedule (MBS) Review Taskforce (Taskforce) report on Nurse Practitioners MBS items was delivered late last year, following a public consultation period from February to June 2019. The draft recommendations, and feedback from stakeholders has provided valuable information to the Taskforce on this critical area of the MBS. However, in the interests of ensuring a consistent and appropriate set of recommendations across all of primary care, the Taskforce is considering a range of matters and undertaking investigation into appropriate care models, clinical evidence and patient safety.

The Department is supporting the Taskforce to progress the work of the MBS Review over the coming months, and it is anticipated outstanding work will be finalised in a staged approach, by 30 June 2020.

Any long-term changes to the MBS that may arise from the MBS Review will not occur until after the Taskforce has provided its final reports to the Government and the Government has considered the Taskforce's advice.

Regarding the aged care worker retention bonus, as previously outlined, the eligibility for the bonus outlined to the sector is for direct health care workers in residential care, including personal care workers, registered nurses, enrolled nurses and allied health. For home care this includes workers providing personal care, cleaning, home support activities and meal preparation, social support, shopping, community access and transport, allied health and respite. Eligible workers (outlined above) that are full time, part time or casual will also receive the payment.

The eligible staff at each facility will be determined by the provider at the time of application for payment in early to mid-June 2020. Advice will follow regarding the second payment in due course.

Thank you for raising this matter.

Yours sincerely



Richard Colbeck

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