

Short shifts

On Friday 16 December 2016, the Fair Work Commission approved the new Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2016-2020, and it became legally enforceable seven days later. The new EBA contains a number of significant new conditions and obligations and the ANMF has developed materials to assist members and managers to understand and comply with its requirements.

Short shifts in the new public sector EBA

With the making of the new EBA, there are some significant changes around the use of 'short shifts'.

A short shift is usually a shift used to make up the nursing numbers but not for the full shift, i.e. the shift may start late or finish early. A short shift must be at least six hours duration in addition to a 30 minute meal break.

The new requirements

The new EBA has some new and some amended restrictions around short shifts, as follows:

1. No short shifts may be used on night duty.
 2. You must not be rostered to work a short shift unless you agree.
 3. If you currently work short shifts, you can cease working shift lengths on the next roster, if you notify your employer in writing, giving 28 days written notice.
 4. The term 'rostered' has been replaced with the word 'used', meaning the maximum short shifts per ward per day is:
 - a. one 'AM' short shift, starting and finishing within the 'AM' shift times
 - b. one 'PM' shift, starting and finishing within the 'PM' shift times or a crossover shift that commences before noon and concludes during the 'PM' shift.
 5. If you have a vacancy on the roster, for example someone calls in sick, your employer must replace the vacancy with a permanent employee working the same shift length, if one is available to work the shift, by:
 - a. contacting staff who are available, including in accordance with the supplementary roster; and
 - b. asking staff on that ward to fill the vacancy (except where it would result in overtime)
 - c. allocate a permanent pool employee
 - d. where, after the reasonable efforts above, the employer cannot obtain a permanent employee, the shift must be replaced by a nurse bank employee or, as a last resort, an agency staff member working the same shift length as the vacancy unless the nurse in charge of the ward (and this cannot be overridden by hospital management) determines a shorter shift will not have a negative impact on patient care, safe staffing and related matters, having regard to all the circumstances on the ward/unit including:
 - patient safety and acuity
 - skill mix
 - the time at which the absence was notified
- whether the ward/unit is staffing above the ratios under the *Safe Patient Care Act*
 - the number of short shifts on the ward already
 - the capacity for employees, including casual employees, to attend professional development.

It will be up to members and ANMF to ensure this new process works, and that the nurse in charge of the ward does not get pressured to accept short shifts against their professional judgment.

If this occurs, notify ANMF and we ensure the new system operates as it is intended. Under the new clause, the employer must document its attempts to replace the vacancy, which must be available for inspection by the ANMF upon request.

Exception – aged care and rehabilitation units

Aged care and rehabilitation wards that, as at 31 March 2012, had more than two short shifts per day, may use up to three short shifts per ward or unit in any configuration over the AM and PM shifts.