

# EBA 2020. Better. Safer. Fairer.

Leading the way in mental health nursing reforms for all Victorians

PUBLIC SECTOR MENTAL HEALTH SERVICES  
VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH



## EBA CAMPAIGN UPDATE 4 FRIDAY 25 JUNE 2020

## ANMF response to HACSU News dated 24 June 2020

ANMF is aware of the “Urgent News” issued by the Health and Community Services Union (HACSU) regarding the new Public Sector Nurses and Midwives 2020 EBA. In summary that document makes several assertions as follows:

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**HACSU Assertion 1** “HACSU has discovered that the VHIA and the ANMF are in the process of trying to reach an agreement that has the potential to result in Mental Health nurses, including those currently covered by the Mental Health agreement, being covered by the General Nursing agreement instead.”

**ANMF Fact 1** - Any registered or enrolled nurse position in a public mental health service under the Mental Health EBA now, will not change as a result of the 2020 Nurses and Midwives EBA.

**ANMF Fact 2** - HACSU is a branch of the Health Services Union (HSU). ANMF, VHIA and the HSU reached in-principle agreement on a replacement agreement for the 2016 Nurses and Midwives Agreement in late March 2020, which was endorsed by ANMF members on 16 April 2020.

**ANMF Fact 3** - ANMF notified HACSU of the clause that they have taken issue with in an email on 23 April 2020 – in fact HACSU quoted the entire clause in a letter to Industrial Relations Minister Tim Pallas in a letter dated 28 April 2020.

**ANMF Fact 4** – on 8 May 2020 HACSU emailed ANMF and identified four roles it identified might be impacted by the new clause.

1. Mental Health Clinicians who work in ECAT;
2. Consultation Liaison Nurses;
3. Mental Health Clinicians who work in the alcohol and other drug sector;
4. Mental Health Clinicians working in the ED Hubs

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ANMF responded in writing on 11 May 2020, in detail, in respect to each of these roles, confirming that the new clause would not disturb the status quo of which EBA applied.

**ANMF Fact 5** – HACSU then made an application on 20 May 2020 to the Fair Work Commission about the clause. It was agreed in Fair Work that HACSU would (again) identify particular classifications that they feel are covered by the Mental Health Nurses EBA who would, by virtue of the changed Nurses and Midwives EBA definition, be covered by the Nurses and Midwives EBA. HACSU was to provide these to ANMF and VHIA by close of business Wednesday 27 May 2020. HACSU's response did not identify any classifications that they fear may be covered by the General EBA as a consequence of the refined definitions.

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**HACSU Assertion 2** - HACSU was very disappointed to learn of this development, as we had previously received what we understood was a commitment from the ANMF not to change the scope of the General Nursing agreement in relation to Mental Health.

Accordingly, once learning of the reneging of this commitment, HACSU has immediately taken action to protect its members and the coverage of the Mental Health agreement. HACSU lodged a bargaining dispute in the Fair Work Commission where HACSU genuinely engaged in conciliation with the VHIA and ANMF.

**ANMF Fact 1** – ANMF's original claim was to delete the reference in the definitions in the Nurses and Midwives EBA to exclude those employed solely or predominantly in public mental health services. HACSU approach ANMF in November 2019 about this, and ANMF agreed not to delete the reference. The provision we agreed not to delete remains in the proposed 2020 Nurses and Midwives EBA.

**ANMF Fact 2** – ANMF did not renege on any commitment to HACSU

**ANMF Fact 3** – HACSU has been aware of the outcome since at least early April 2020.

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**HACSU Assertion 3** - *There have been two conferences before the Fair Work Commission so far and unfortunately a resolution has not been reached. Therefore, the only option left to HACSU was to make application to seek a scope order, which it has now done. This scope order application merely seeks to maintain the status quo by ensuring that the General Nurses agreement doesn't encroach into Mental Health.*

*We wish to make it absolutely clear that we are not holding up the General Nurses agreement, but rather it is the actions of the VHIA and ANMF that are the cause of this situation.*

*The ANMF and VHIA could do an agreement right now if it kept the same coverage clause as the current General Nurses agreement. But instead, they are trying to intrude into the Mental Health arena, and that is the reason the agreement is being held up.*

**ANMF Fact 1** – Despite repeated requests HACSU have not been able to identify one nurse, or one nursing role, covered by the 2016 Mental Health EBA who would, as a consequence of the 2020 Nurses and Midwives EBA, be no longer covered by the Mental Health EBA. Not one.

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**HACSU Assertion 4** - *So if anyone tries to say to you that HACSU is holding up their agreement, tell them to inform the ANMF that they should back off Mental Health and just apply the status quo!*

**ANMF Fact 1** – HACSU's application, if successful, will hold up the Nurses and Midwives 2020 EBA.

**ANMF Fact 2** – Again, HACSU have not identified a single nursing job that would change EBAs. Not one.

The ANMF will continue to take all steps necessary to secure the successful outcome of the 2020 Nurses and Midwives EBA and also ensure that these benefits flow to our thousands of nurse members employed in public mental health services in the Mental Health EBA.

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### **Stay informed and involved**

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