Retain Recruit Rebuild

PUBLIC SECTOR EBA 2024-2028

Statewide public sector members meeting

new/amended/improved clauses affect:

Improved and clarified arrangements for those on fixed term contracts (11)

- Employment checks required by employers that are above and beyond those required by legislation or regulation to be paid by the employer (24)

new/amended/improved clauses affect:

- When working away from home – employees will be able to access the ATO-stipulated rates for accommodation, meals and beverages and travel. This is expanded to include all work not just work performed during a disaster such as the recent floods and bushfires (23)
- Stronger provisions to enable employees to schedule their ADO's on a date that they request (29)
- Expansion of the Change of Roster allowance to be paid when the 28 day roster is not posted 28 days in advance for each shift worked without 28 days' notice
- That those working above 0.8 are to entitled to a minimum of two consecutive days off each week (30)

new/amended/improved clauses affect:

- Annual leave clause has been amended and simplified to demonstrate how part time employees access the sixth week, and for those who rely on the flat 17.5% leave loading it is extended from four weeks to five weeks – 190 hours up from 152 hours (41)

new/amended/improved clauses affect:

With regard to personal leave –

- Single day absences without evidence will increase from 3 to 5 days
- A statutory declaration can be used on 5 occasions increased from the current 3.(44)
- For those nurses and midwives relocating to Victoria and working in the public sector ie. from the public sector interstate to Victorian public sector their service will be recognised for the purposes of personal leave and LSL – aligning nurses and midwives with public sector medical staff. (44)
- The 180 day cap on transferable personal leave will be removed

new/amended/improved clauses affect:

17 May 2024

- Paid Family Violence Leave will now attract penalties rather than the base rate only. 10 paid days will also be extended to casual employees and access to the 10/20 days commences on employment rather than being accrued (45)
- Access to paid Compassionate Leave will be extended from the current 2 – 4 days (46)

new/amended/improved clauses affect:

Changes to parental leave clauses include:

- The qualifying period for paid parental leave for nurses and midwives will reduce from the current 6 months to zero (47)
- Defining a week's pay for LSL and Parental Leave
- Ability to retain an annual leave buffer prior to commencing parental leave to ensure a safeguard is in place when returning to work after parental leave
- The right to take A/L and LSL in conjunction with parental leave
- No unreasonable refusal of a request for KIT days

new/amended/improved clauses affect:

- All education deemed mandatory or compulsory must occur within paid time and OT will apply and no deduction from professional development leave is allowed
- Those with their employer allocated portfolio work or administrative duties will have reasonable paid time to undertake such responsibilities (53)

new/amended/improved clauses affect:

The study leave clause has been clarified and amended to ensure that EN's undertaking the RN/RM Bachelor can also access the study leave entitlement (54)

In relation to CNS/CMS the clause now makes it clear that it applies from the application date when a nurse or midwife is successful (55a and c)

In the event there is a dispute relating to a qualification being relevant it will be determined by the existing central statewide disputes panel if not resolved locally

new/amended/improved clauses affect:

From 1 July 2024

The major/non major hospital distinction for clinical educators (predominantly in regional Victoria) starting rate of pay will be removed with those at the non- major lower entry level automatically transferring to the 1st increment of the higher entry level (55d)

No Lift Co-Ordinators will be paid the same rate QRED 2 (old Grade 4A) (59)

new/amended/improved clauses affect:

- There is now an amended contemporary definition of Nurse Practitioner in our EBA (55g) meaning if working as an NP must be paid as an NP
- 4 Senior midwives will be appointed from 1 January 2025 – one EFT at Ballarat, Warragul and Mildura, as well as an additional one to add to the existing Monash Health ones that currently cover 4 campuses (55h)
- Midwifery Liaison Officers who work across a region will be classified at CNC D (55j)
- If a midwife is the sole midwife at a level 3 or 2 MCL maternity services worksite, they will be paid at the clinical support midwife rate for each shift where it applies (55k). An additional $58.10 above the current CMS rate and will increase as further wage outcomes occur.

new/amended/improved clauses affect:

- For those in standalone community health the existing Community Stream in the EBA career structure which comprises those classifications principally engaged in district nursing, community alcohol and other drugs, domiciliary, ambulatory, outpatients, community health, HITH, PAC, HARP, In-reach etc, are now to be read in conjunction with the Clinical, Advanced Practice and Research Stream and the Nurse/Midwifery Manager Stream. (55l)

- WIC's continue but now mandatory with a central committee to monitor implementation of the EBA and resolve disputes (56)

new/amended/improved clauses affect:

- Midwifery continuity of care models clause to now reference Maternity ante, postnatal and domiciliary models (MAPS) from I July. There are improvements in the LHAC process and the 32% commuted loading review will be undertaken within 6 months of EBA approval. (65)
- Ward shift for caseload model midwives will attract change of roster allowance(65(e))
- Casterton Hospital, Echuca Aged Care, Alexandra District Hospital and Latrobe Regional Hospital will move to an 8:8:10 roster from 1 January 2025 (28)
- Various clauses that deal with vacancies and backfill have been reviewed and now contained in one clause (60)(58)

new/amended/improved clauses affect:

Parties have agreed to move from exclusive of, to inclusive of, meal breaks- and removal of night time requirement when determining whether an employee has worked excessive hours (39)

Clause 46 Supplementary Roster and Additional Shifts

17 May 2024 The Parties have agreed to amendments which reinforce the change of roster allowance and supplementary rosters. Included within the clause is a term that facilitates the introduction of electronic supplementary rosters (31)

new/amended/improved clauses affect:

The parties agreed to the following amendments to the Overtime clause (32)

i. the extension of transport being provided to the employee by the employer following overtime, including the return journey, when their vehicle remains at work (not just double shift)

ii. ten-minute breaks during overtime will now be paid breaks

Casual rates from 17 May 2024

Standardisation of weekend casual rate to 1.875%

new/amended/improved clauses affect:

Amendments to the On-call clause (33)

Changes to on-call allowances on weekends and public holidays

- Weekends from 17 May 2024 $108.30
- Public Holidays from 17 May 2024 $126.35
- Weekend Public Holidays from 1 January 2025 $144.00
- Above increase with wage increases thereafter

new/amended/improved clauses affect:

Clause 50 Re-call Return to Workplace (34)

- Clarify how to calculate recall in the event of multiple recalls (always double time after the first recall) (35)
- Clarifying that an employee who is recalled and then recall is cancelled will receive the minimum recall payment of 3 hours (36)
- The Employer is not to change an Employee's rostered shift/s to avoid the 10 hour break requirement (37)

new/amended/improved clauses affect:

Clause 50 Re-call Return to Workplace (34) 2nd FFPPOOA 17 May 2024

On-call emergency recall triggered if required to work

- more than 90 minutes beyond rostered shift ending
- Beyond conclusion of a case that started before the shift ended

Whichever comes first

If the 10 hour break results in an Employee otherwise commencing ordinary hours with 3 or fewer hours remaining in their rostered shift, the Employee will be paid for the entire rostered shift without any requirement to attend for duty (38)

new/amended/improved clauses affect:

Clause 41D Redeployment (Change of Ward) (26) 1 June 2024

The parties have agreed to a provision which provides for payment of Relocation from Base Ward Allowance when employee moved from home ward.

does not apply to casuals

Base ward is the ward you typically work on

Relocation allowance applies if redeployed.

2.5% of Base Rate – same as COR Allowance – currently $36.10 per occasion increasing with wage increases.

new/amended/improved clauses affect:

Clause 41C Night Shift (25) 17 May 2024

Reintroduction of permanent night shift and obligations to recruit to it

Night duty staff to receive penalties if required to rotate onto day for training purposes

A minimum of 47 hours break post rostered night shifts before returning to work for an AM/PM shift (for non-permanent night shift)

Non-permanent night shift clause dealing with rotation in blocs

Clause 34 Night Shift Allowance (22)

Casual night shift – adjust per wage increases

Non-casual adjust per wage increases and from 1 May 2025

1. Monday to Thursday plus 12.5%
2. Friday and Saturday plus 25%
3. Sunday plus 12.5% (using Sunday ‘trial’ rate as base currently $154.63))

Wages outcomes

Night Shift Allowance (over the life of the agreement)

(non-casual only)

Night Shift	now	1-May-24	1-May-25	1-May-26	1-May-27	
Mon to Thurs	$89.90	$92.60	$104.17	$107.30	$110.52	
Friday	$89.90	$92.60	$115.75	$119.22	$122.80	
Saturday	$89.90	$92.60	$115.75	$119.22	$122.80	
Sunday	$154.63	$159.27	$179.18	$184.55	$190.09	

new/amended/improved clauses affect:

Clause 33 Allowances Related to Overtime (21)

a. Payment of telephone allowance for employees on-call using own mobile phones. It won't be as a mobile telephone allowance, rather the on-call rate will attract a further $5.00 per on-call period

new/amended/improved clauses affect:

Qualification Allowance from 1 June 2024 (19)

The (re) inclusion of a component of a course being the trigger for receipt of a qualification allowance.

New subclause to require an Employer to respond within 28 days in writing where an Employee claims a higher qualification allowance.

Clarification as to how qualification allowance applies where multiple roles held – highest allowance applies for all shifts

new/amended/improved clauses affect:

Qualification Allowance from 1 June 2024 (19)

Clarification that being redeployed (as described in 41D) doesn't impact your entitlement to receive higher qualification allowance.

Requirement for an employer to ask for qualifications as part of the recruitment process,

Evidence for qualification allowance to include where the employer knew, as part of the recruitment process, that you held the qualification.

Qualification allowance increase

Qualification Allowance (57.8% over the life of the agreement)

50% uplift in 2027

	current	1-Jul-27
RN/Midwife Hospital / Grad Certificate	$57.80	$97.58+
RN/Midwife Post Grad Diploma or Degree	$93.90	$158.53+
RN/Midwife Masters	$108.40	$183.01+
RN/Midwife PhD	$144.50	$243.95+

new/amended/improved clauses affect:

Superannuation (17) from 1 July 2026

Superannuation to be paid during worker's compensation, on defence leave, during periods of jury service, and no safe job leave (whether paid or not)

Frequency of contributions from 17 May 2024 (16)

a) during the week following wages being paid or,

b) on parental leave where there are no wages, the week following the pay period to which the superannuation entitlement relates,

where this is operationally possible, but not later than would be the case were it a superannuation guarantee payment

new/amended/improved clauses affect:

The Alfred Hyperbaric nurses will be paid a new allowance of $85.08

- per shift (when they undertake a dive) and
- for each shift when they are on call – given the restrictions imposed when they are on call. (27)
- In addition to on-call allowance

Achieving wage improvements 5 ways

1. Cash payments of $6100 and $1000 (+ superannuation)
2. Increases in allowances (some with additional increases)
3. New Allowances
4. Five % wage increases
5. Award wage case*

* Awaiting FWC decision on percentage, timing and Government agreement to retention of relativities

Wage outcomes – cash payment

In addition to increased allowances - for a full-time employee (pro-rata part-time)

$6,100 1 June 2024 – between 4.5–9% equivalent payment, subject to your classification and EFT

$1,000 1 June 2025, for non-casual employees only

	Payment
EN Dip, Year 5	8.6%
Grade 2, Year 8	6.4%
Community Health Nurse	5.9%
ANUM, Year 2	4.8%
NUM (4)	4.7%

Wage outcomes

Grad	now	1-May-24 3%	Plus	1-Jun-24 1%	1-May-25 3%	1-Jul-25	1-May-26 3%	1-May-27 3%
	$1,298.60	$1,337.56		$1,350.93	$1,391.46	**plus**	$1,433.21	$1,476.20
Cash			$6,100 (4.5-9% equiv)	1st payment of FWC outcome		$1,000		
	Plus, the Fair Work guaranteed outcome between 4.5% and 12.3% during the life of the agreement							

new/amended/improved clauses affect:

Definitions within the Agreement, (2)

- Anti-discrimination gender identity provisions, and a gender-based standing committee (3 and 4)
- Consultation, and consultations on rosters, (5 and 6)
- Managing conduct and performance (7)
- Improvement in access to FWA (8) including that "an inherent requirement of the job" (so often used by health services to refuse an arrangement) does not equate to being a reasonable business ground to refuse a FWA

new/amended/improved clauses affect:

Clause 16B Climate Change (9) climate change as a health issue.
Components of the clause are as follows:

- a commitment to continuous improvement including at a local workplace level to integrate environmental considerations into decision making
- clarification regarding the use of existing Conference leave entitlements for climate related health topics
- recognition of emerging sustainability responsibilities for some staff time release to participate in such activities, with such time release not to be unreasonably refused, and
- Integrating environmental sustainability into WICs and other local committees

new/amended/improved clauses affect:

Improved and clarified arrangements for those on fixed term contracts (11)

- For those transitioning to retirement the employee will be able to use their LSL where a definitive date of retirement is provided (13)
- New employer obligations to recover over payments they have made on your behalf in salary packaging where they are at fault (17)

new/amended/improved clauses affect:

- A new right to disconnect clause which includes procedures that specify the order of actions an employer must take to fill a shift (40)
- The ambiguity surrounding the four clear days off has been removed from the clause (42) and there is now a payment instead

new/amended/improved clauses affect:

- Portability of service for the purposes of personal leave and long service will occur for those transferring from Local Government to the Victorian Public Sector.
- Long service leave will be able to be taken in single days (48)
- The payment of special disaster leave will relate to per disaster occasion rather than per year (49)

new/amended/improved clauses affect:

- Ceremonial leave for ATSI has been improved recognising the need to access leave for “sorry business” (50)
- 20 days paid leave for gender affirmation procedures, as well as up to 48 weeks of unpaid leave (51)
- For those who are foster or kinship primary carers there are two days paid leave on up to five occasions per calendar year, to be taken at the time of the placement of the child to support your amazing work (52)

new/amended/improved clauses affect:

There will be a new Endorsed midwife allowance payable from 1 June 2025 aligned to the Grad Dip qualification allowance – currently $93.90 but by June 2025 – will be a minimum of $99.61

The utilisation of the NMBA endorsement must be required by the employer.

An important allowance as we will soon start to see health services implementing their full scope midwifery practice particularly once the outcome of the DoH Endorsed midwives prescribing mechanism in Victoria consultation finalised and implemented over the coming 12 months.

Importantly this is in addition to receipt of any qualification allowance

new/amended/improved clauses affect:

- The skill mix clause will be amended to include operating theatres, recovery units and paediatrics (57)
- HSR DWG list will be provided to ANMF immediately following 30 March and again at 30 September. The names will be of those that the DWG's relate to this EBA coverage (61)
- Greater access by ANMF to access OVA Prevention and Management committees (62)
- There is to be an agreed approach between the parties to preventing sexual harassment (63)

new/amended/improved clauses affect:

Changes to the RUSON/M clause providing for:

- Master students to be included
- An ability to extend RUSON employment to when they commence their graduate year
- Changed rate of pay for RUSON's from 75% of the graduate rate to 81.5%
- Not restrict RUSON/Ms to 1 per ward per shift
- Introduce the ability for EN students to be employed under the EBA with the title of RENs (64) not as currently employed under the health and allied services EBA.

new/amended/improved clauses affect:

ENs commencing as RNs will commence at Grade 2 Year 2 (deals with issue of working outside public sector before Grad Year) 55(e)

Amending DON rates at 7B and 8D classification to 7A and 8C DON rates, effecting those smaller regional hospitals from 1 July 2027

Clauses dealing with fitness for work and accommodating employees with a disability have been merged into one clause, with restrictions on when it can be activated (43) Importantly this requires employers to recognise that a temporary injury or illness is a temporary disability and as far as practicable has to be accommodated.

The parties have agreed to amend clause 98 for consideration at an industry level about how to support return to work from a mental health injury (43)

new/amended/improved clauses affect:

Clause 33 Allowances Related to Overtime (21)

b. Clause 29 Accident Make-up Pay (18)
The parties agreed to an amendment to accident make-up pay to reflect Workcover-scheme-determined pre-injury average weekly earnings

new/amended/improved clauses affect:

Payment of Wages, Employee Records and Related Matters (15)

17 May 2024

- amendments to improve access to LSL and annual leave records.
- a new subclause which provides for the efficient resolution of disputes regarding underpayments (Accelerated access to FWC)
- Parties agreed to replace ‘within 24 hours’ with ‘by the end of the next business day.’

Letter of Appointment (12) from 1 June 2024

- variations/updated letters of appointment within 28 days

Addressing casualisation

The big three

1. Too much rotation onto night shift
   Introduction of mandatory permanent night shift
2. Too much redeployment
   Change of ward allowance
3. Inflexible flexible work arrangements
   Inherent requirements change

Wage outcomes – the award case

- A further 1% on base rate (not allowances) from 1 July 2024
- applying the future impact of the award case.
    - Gender undervaluation (of award rates) already found
    - $1298.60 EBA grad rate - New benchmark award graduate rate (more than $1370, potentially as high as $1470 (plus safety net) will occur – a further 5.5% -13%
- For a graduate that will apply as though an EBA rate (when it happens and potentially as early as 30 June 2024) based on first stage outcome
- Impact on existing EBA relativities will be determined by FWC in accordance with principles agreed with VHIA

FWC Principles – Award to EBA case

The parties agree that the following principles will apply to the Fair Work Commission's consideration of the impact of the Fair Work Commission's Award determination upon the Agreement rates, classifications and associated costs:

a) The reasoning and orders of the Full Bench in its determination of the Aged Care Case as it relates to registered and enrolled nurses

b) The current Agreement classification structure and relativities

c) The objects of the Fair Work Act

d) Minimising the potential for disputation

Nurses and midwives have your back, Victoria.

It's time you have ours.

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