



Policy: Representing members employed at executive level

1. Context

The ANMF (Vic Branch) represents more than 95,000 members, many of whom are employed at the executive level of a health service. These members may sometimes be:

- the subject of a matter brought by their employer
- a representative of their employer in a matter brought by their employer against other ANMF (Vic Branch) members

2. Purpose and scope

This policy clarifies the ANMF (Vic Branch) approach to representing members in executive positions at a health service when these members are:

- subject to concerns, complaints, or proceedings by their employer
- acting on behalf of their employer in a matter involving other member/s

3. Key definitions

Member in an executive position: An ANMF (Vic Branch) member who is working in a nursing or midwifery executive, director, or manager role for a health service or campus.

4. Policy details

4.1 Legal framework

Australian workplaces are regulated by numerous laws and industrial instruments, including:

- the *Fair Work Act 2009 (Commonwealth)*
- the *Occupational Health and Safety Act 2004 (Victoria)*
- the *Equal Opportunity Act 2010 (Victoria)*
- Australian discrimination laws such as the *Racial Discrimination Act 1975*; the *Sex Discrimination Act 1984*; the *Disability Discrimination Act 1992*; and the *Age Discrimination Act 2004*
- *awards and enterprise agreements*

The ANMF (Vic Branch) represents the rights of members, including members employed in an executive position, in relation to these laws.

4.2 When a member in an executive position is subject to concerns, complaints or proceedings

When a member who is employed in an executive position is the subject of a matter brought by their employer and they require our support, assistance or intervention, the ANMF (Vic Branch) will advocate for them to ensure their rights are protected.

4.3 *When a member in an executive position is representing their employer in matter/s involving other members*

When a member who is employed in an executive position is representing the employer in a matter involving another ANMF (Vic Branch) member, the ANMF (Vic Branch) will not represent the manager / executive / director in this matter.

In these circumstances, the member employed in an executive position has access to their employer's human resources and legal expertise.

4.4 *Other support for executive members*

The ANMF (Vic Branch) also assists members employed at executive level by:

- providing advice on grievance and mediation processes involving an executive member and their employer, or an executive member and a non-member employee
- providing advice, education and resources on industrial, professional, and occupational health and safety matters to ensure executive members have access to current information to help avoid or reduce conflict and disputes
- negotiating on behalf of executive members with respect to salaries and conditions in industrial instruments that cover their employment
- in accordance with our industrial agreements, supporting and advocating for the appointment and retention of directors of nursing/midwifery positions with appropriate operational authority over the nursing and midwifery workforce in each health facility.