Vote ‘Yes’ to make ratios law

Do you approve the variation to the Agreement?

YES

Circle the word ‘YES’
in the upcoming VEC ballot

www.anmfvic.asn.au/vote-yes

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary October 2015
Dear public sector nurses and midwives,

This ballot is the final step to enshrining nurse/midwife: patient ratios in law.

To make this happen, we need you to vote ‘Yes’ when you receive your ballot paper in the coming weeks.

Making ratios law will herald a new era for public sector nurses and midwives.

Ratios will no longer be under threat during enterprise agreement negotiations and we can start to improve them so you can provide the safest possible patient care available anywhere in the world.

And employers will no longer be able to seek to substitute nurses and midwives as part of the ratios because the skill mix is protected by legislation.

On behalf of all Victoria’s nurses and midwives, I’d like to thank you for voting ‘Yes’.

Kind regards,

Lisa Fitzpatrick
Secretary
Australian Nursing and Midwifery Federation (Vic Branch)

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Why are we being asked to vote on a variation to our enterprise agreement?

Nurse/midwife: patient ratios have successfully passed through the Victorian Parliament.

However, there is one more hurdle: a majority of public sector nurses and midwives must register their approval before the legislated ratios can be applied to our public hospitals and public aged care facilities as law.

Victoria’s public sector nurses and midwives must vote ‘Yes’ to varying the current enterprise agreement (called the Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2012-2016). This vote will commence on 13 November 2015.

Why do you need to vote?

Enshrining ratios in law within the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 (the Act) means that our ratios are in Victorian law, whilst remaining in our enterprise agreement.

The purpose of this vote is to protect them in law.

When the variation is approved, the Act takes over as the legal instrument enforcing ratios.

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vote YES

Ballot opens 13 November, ballot closes 27 November 2015
What do you need to do?

In order for the Act to apply, you must vote ‘Yes’ to varying the current enterprise agreement. This is the only way the ratios in the Act can become a working reality for public sector nurses and midwives.

The Victorian Electoral Commission (VEC) will be conducting the vote to vary the enterprise agreement between Friday 13 November and Friday 27 November. You will receive this ballot paper in the mail at the address your employer has provided the VEC.

The ballot will say: ‘Do you approve the variation to the Agreement?’ You need to circle ‘Yes’ when you receive your ballot paper and post it directly back to the VEC following the instructions provided by the VEC.

What happens to the ratios in the enterprise agreement?

The ratios that are in the Act currently are exactly the same ratios that are in the current enterprise agreement. Improvements to ratios in the future will be reflected in the Act, by amending the Act.

However, if the Act was to change in a way that wasn’t beneficial for members, ratios are safeguarded by a clause that would see them returned to the enterprise agreement, including the improvements.

Can we change ratios in the future if they are not part of the enterprise agreement?

Yes. Achieving improvements in ratios has always coincided with our enterprise agreement campaigns. Our next campaign is due in the first half of next year, when our current enterprise agreement expires.

While we have commitments from Premier Daniel Andrews regarding improvements, we can also campaign for better ratios, just like we have in the past.

Once the variation is approved, improvements and new additions to ratios will be made through amendments to the Act in parliament. This was a pre-election promise to the Australian Nursing and Midwifery Federation (Victorian Branch) and our members by the Andrews Government, along with mandating ratios in legislation.

This will be far more effective than bargaining for ratios every four years because we will be able to pursue amendments at any time. Importantly, it means we can campaign for improved conditions without ratios being under threat.

Since ratios were first mandated in 2000, we have faced the threat of losing them in 2001, 2004, 2007 and most recently in the 2011/12 enterprise agreement campaign. The Act will protect ratios into the future.

How is the ANMF (Vic Branch) looking to improve ratios in 2016?

The ratios that are in the Act mirror the current enterprise agreement, and have always been intended to be a minimum standard that we know needs to be improved upon.

We are aware that many nurses and midwives are frustrated that their workplace either doesn’t have appropriate ratios for the level of care being provided or no ratios apply to their work area.

Our Delegates Conferences have passed many resolutions over the previous few years requesting improvements in ratios and/or the way ratios are applied.

The ANMF (Vic Branch) is already drafting ratio improvements in some areas and looking to introduce new ratio in others. We are also seeking to address abuse of the 50% rule.
When does the ratios law come into effect?
The amendments to the enterprise agreement referred to in the variation you are voting on will come into effect on the day on which the Act is proclaimed law so there is no ‘gap’ where ratios are not mandatory.

What if my workplace doesn’t abide by the ratios in the Act?
Any nurse or midwife employed in a hospital where ratios are not being complied with may commence a dispute. This can be commenced either directly or through the ANMF (Vic Branch). If the employer does not address the problem, the employer can be directed to comply with the ratios by the Department of Health and Human Services. At the same time, the matter can also go to the Magistrates Court, and the Court can direct your employer to comply.

Where can I find the ratios in the Act?
Every public sector hospital and aged care facility must provide access to a copy of the Act. The Act is also on the ANMF (Vic Branch) website at www.anmfvic.asn.au/vote-yes

Ratios are contained within Part 2 of the Act.

What will the Act mean for mental health services?
Currently, the Public Mental Health Enterprise Agreement 2012-2016 refers to minimum staffing numbers in named wards and units. We are currently finalising our 2016 enterprise agreement log of claims for public sector mental health facilities and will be campaigning for ratios in this area. If we are successful, the Act can be amended to define and safeguard, in law, new mental health ratios for various clinical mental health areas.

What happens if I don’t get my ballot paper?
You should contact the VEC on 131 832 between 9:00 am and 5:00 pm Monday to Friday:
• if your ballot paper doesn’t arrive by Tuesday 17 November
• if you lose or spoil your ballot material, you may request replacement ballot material before 24 November.

Still have more questions?
Visit www.anmfvic.asn.au/vote-yes
email: records@anmfvic.asn.au
phone: 03 9275 9333

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