ANMF (Vic Branch) Policy

Spill and fill

This policy is intended to give guidance in relation to equal employment and career opportunities to all Australian Nursing and Midwifery Federation (Victorian Branch) [ANMF (Vic Branch)] members that may from time to time be involved in an organisational redesign process that may involve a collapsing, amalgamation or relocation of services and which results in a “spill and fill” of nursing and/or midwifery positions.

Organisational change processes are governed by the relevant enterprise agreement or award and the national employment standards with respect to redundancy payments. These instruments set out the minimum obligations of employers and employees with respect to organisational change whereas this Policy provides best practice guidance.

Policy

It is the policy of the ANMF (Vic Branch) that:

1. Any change to services must not occur until a plan of service provision, including staff EFT, classifications and organisational structure have been agreed to by the ANMF (Vic Branch).

2. To facilitate agreement and deal with any disputes arising from the proposed change, a Consultative Committee should be established comprised of equal numbers of ANMF (Vic Branch) and management representatives.

3. Once a written agreement is reached as to the matters outlined in Paragraph 1 above, appropriate voluntary redundancy packages (VDP) are to be offered at all workplaces within the health service. This is to occur before any rationalisation takes place.

4. All positions affected by the change are to be “spilled” (where there will be more than one affected employee) so that nurses/midwives currently employed at that level may apply for the position(s), with equal opportunity for affected employees from each of the affected areas. For example if Ward A is closing, and its beds moved to another ward in the health service, each ward is an affected ward and staff in both wards are “affected employees”.

5. All vacant nursing/midwifery positions within the health care service shall be advertised internally and priority given to placing affected employees in vacant positions.

6. ANMF (Vic Branch) member/s who do not gain employment in an amalgamated ward, unit or service shall be invited to apply for vacancies in other areas within the health care service prior to those vacancies being advertised externally.

7. Unsuccessful applicants should then have access to a redeployment period of not less than 13 weeks during which redeployment to an equivalent position shall occur subject to the affected ANMF (Vic Branch) member meeting the criteria for the position. If the unsuccessful applicant
requires training to fulfil selection criteria all reasonable attempts will be made to ensure that the training is provided by the employer at no cost to the employee.

8. Where an applicant is unsuccessful in applying for a position of a comparable classification (see Paragraph 5 above) the affected member will have the option of a nursing position and equivalent hours of work and roster pattern at a lower classification with a minimum of 12 months’ salary maintenance but should also be given the option of applying for any vacant position in a higher classification that is not affected by the spill.

9. In offers of redeployment, regard shall also be given to ensuring that the geographical location (eg: access to public transport etc) does not disadvantage the applicant.

10. Despite paragraph 3 above, if the applicant is not able secure a comparable position (or accepts a position of lower classification, with salary maintenance) the applicant may apply for a voluntary redundancy package in accordance with government policy, or where employment is within the private sector, in accordance with the relevant Industrial Instrument/Enterprise Agreement.

11. If after redeployment a vacancy arises on the employee’s original (amalgamated) ward or department the ANMF (Vic Branch) member/s must be given first option of returning to that ward or department.

12. Where amalgamation of wards, units or services occur, and the ward, service or unit provides 24-hour 7-day per week service, there shall be at least four EFT appointed Associate Nurse/Midwife Unit Manager (ANUM) (however titled) positions with an additional EFT position rostered to provide experience for Grade 2 nurses and Clinical Nurse/Midwife Specialists by “acting up” on higher duties.

13. In addition to any option that exists under the proposed ANMF/Management agreement, AN/MUM’s who are unsuccessful in obtaining a permanent AN/MUM position will be eligible to apply for reclassification to the position of Clinical Nurse/Midwife Specialist (CN/MS) and receive appropriate salary maintenance.

14. ANMF (Vic Branch) member/s with a CN/MS classification shall, where possible, be employed in their area of clinical practice thus enabling them to maintain their CN/MS classification. If this is not possible they shall be eligible for salary maintenance or retraining at no cost to the employee in another area to allow them to retain their CN/MS status.

15. Interview panels must include a nursing/midwifery member from each affected worksite.

16. This policy should be read in conjunction with the relevant Organisational Change provisions, where they exist.

17. Any grievance or dispute that arises from the appointment or selection of staff in relation to the spilled positions shall be referred to the Consultative Committee for attempted resolution within fourteen days. Members of the ANMF (Vic Branch) shall have the option of using the grievance procedure if they prefer.