The proposed Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2016 (‘the proposed Agreement’):

- was negotiated pursuant to the Fair Work Act 1994 (SA) and is subject to approval by the Industrial Relations Commission of South Australia (‘IRCSA’);
- will replace the Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2013 (‘the 2013 Agreement’);
- will cover public sector Registered Nurses/Midwives, Enrolled Nurses and Assistants in Nursing/Midwifery employed in SA Health (including the Department for Health and Ageing, Northern Adelaide Local Health Network, Central Adelaide Local Health Network, Southern Adelaide Local Health Network, Country Health SA Local Health Network, the Women’s and Children’s Health Network and the SA Ambulance Service), and in the Department for Communities and Social Inclusion; and
- will take effect from the date it is approved by the IRCSA and will expire on 1 September 2019.

If a majority of employees covered by the proposed Agreement who vote during the ballot vote in favour of this proposed Agreement (i.e. vote ‘Yes’), an application will be made to the IRCSA for the proposed Agreement to be approved. The proposed Agreement only has effect when it is approved by the IRCSA.

This Agreement Explained document:
- Explains the effect of the terms of the proposed Agreement that differ from the 2013 Agreement.
- Identifies the procedures in the proposed Agreement for preventing and settling industrial disputes clause;
- Indicates whether any term of the proposed Agreement will exclude any term/s of any industrial instrument/s that currently apply to employees; and
- Informs employees of their rights to be represented in relation to proceedings for approval of the proposed Agreement.

Further Information
The proposed Agreement, the 2013 Agreement and the relevant Award can be found on the Department for Health and Ageing internet site. If you require further information or clarification in relation to the proposed Agreement contact your line manager, or your local Human Resources department or your Director of Nursing/Midwifery. Your ANMF worksite representative/organiser may also be of assistance in clarifying the proposed Agreement. Following this, if you still have any questions or concerns, SA Health employees may telephone (08) 8226 6724 employees within the Department for Communities and Social Inclusion may telephone (08) 8207 0678; or ANMF members may telephone the ANMF enquiry service on (08) 8354 1900, or email enquiry@anmfsa.org.au

PROPOSED NEW & VARIED PROVISIONS

PART 1 APPLICATION AND OPERATION OF AGREEMENT

Clause 1.9 Principal Undertakings

This clause has been updated and reflects the parties’ commitment to the health reform agenda based on improving efficiency and effectiveness in the provision of health services in order to achieve the best possible health outcomes for South Australians.

PART 3 STAFFING AND WORKLOADS

Clause 3.1 Staffing and Workloads

This clause provides the methodology for the minimum staffing arrangements across the whole of DHA/DCSI and should be read in conjunction with the provisions of Appendices 1, 2, 3, 4 and 5 as relevant. The clause recognises that the parties have developed Business Rules (Appendix 13) that support the operation of minimum staffing. Further, this clause records the agreement reached between DHA and the ANMF to trial a revised N/MHPPD staffing model (rounding to the nearest 15 minutes of an hour) in one nominated health unit during the first 12 months of the proposed Agreement.

PART 4 CAREER STRUCTURE

Clause 4.2 Career Structure Review Application and Implementation

This clause acknowledges the Career Structure/Classification Descriptors Review finalised during the life of the 2013 Agreement and notes its outcomes captured in Appendices 7 and 7A.

Clause 4.4 Enrolled Nurse (Certificate) with NMBA Notation – Not Authorised in Medication Administration

This clause has been amended so that the existing Enrolled Nurses (Certificate) classification structure applies to Enrolled Nurses who have a Nursing and Midwifery Board ("NMBA") registration notation and have not successfully completed the relevant medication administration education at some stage of their career and therefore cannot administer medications.

Clause 4.5 Enrolled Nurse (Certificate Without NMBA Notation) or Enrolled Nurse (Diploma)

This clause has been updated so that employees classified as EN (Certificate) who do not have a notation on their registration and have successfully completed the relevant medication administration education at some stage of their career will translate to EN (Diploma) classification and salary scale from the first full pay period (“ffpp”) on or after 1 October 2016. The translation will occur from the rates of pay that existed immediately prior to the translation (for example EN (Certificate), 7th increment ($57,683) to EN (Diploma) (5th increment) ($57,683).

Clause 4.7 Registered Nurse/Midwife Level 3 (RN/M3) and Level 4 (RN/M4) (Including Nurse Practitioner)

This clause has been varied to provide for access to overtime in accordance with clause 5.4.3 of the Award where an RN/M 3/4 is required by the RN/M 5/6 to work overtime to support direct clinical care or activities.

PART 5 PROFESSIONAL DEVELOPMENT

Clause 5.2. Professional Development Allowance

This clause has been varied to provide for a PD Allowance of $1,000pa (pro rata part time and subject to eligibility) from the ffpp on or after 1 July 2017 and $1,200pa (pro rata part time subject to eligibility) from the ffpp on or after 1 July 2019. The PD Allowance will continue to apply on a pro rata basis for part-time employees (i.e. an employee working 0.5FTE will be paid an allowance of $500 from the ffpp on or after 1 July 2017 and $600 from the ffpp on or after 1 July 2019) and will not be applicable to the following employees:

a) casual employees; or
b) engaged to work less than 16 hours a fortnight; or
d) classified as an AIN/M on the basis that they are a student in a course that will lead to registration or enrolment as a nurse/midwife; or
PART 6 SALARIES AND RELATED ARRANGEMENTS

Clause 6.1 Salaries
This clause provides for the following increases to salaries as set out in Appendix 6.

- A general salary increase of 2.5% p.a. effective from the first full pay period commencing on or after 1 October 2016;
- A general salary increase of 2.5% p.a. effective from the first full pay period commencing on or after 1 October 2017; and
- A general salary increase of 2.5% p.a. effective from the first full pay period commencing on or after 1 October 2018.

PART 7 OTHER CONDITIONS

Clause 7.4 Meal Breaks
This clause has been amended to provide MedSTAR (Operational Bases) Nurses/Midwives access to payments where they are required to work through their 30 minute meal break or their meal break is interrupted as follows:

- Where an employee is required by an authorised person to remain available for duty during a 30 minute meal break, the employee is to be paid at ordinary time rates (base and relevant allowances as applicable) for the period of break and such time will count as ordinary time. Where the employee is required by an authorised person to resume work during the 30 minute meal break and the employee is unable to complete their interrupted meal break during the remainder of the employee’s ordinary working hours, overtime applies to the 30 minute interrupted meal break.

- Where an employee is required by an authorised person to work more than 5 hours without having had, or commenced a meal break, the employee will be paid an additional 50% of the employee’s hourly rate from the commencement of the sixth hour until such time as the employee is provided with an uninterrupted meal break or until the completion of the employee’s ordinary hour of work for that day or shift.

Clause 7.8 Domestic/Family Violence Leave
This is a proposed new clause. It acknowledges that employees who are suffering or escaping domestic/family violence have access to special leave with pay in accordance with Regulation 9(8) of the Public Sector Regulations 2010 (SA) and the Commissioner for Public Sector Employment Determination 3.1 Employment Conditions – Hours of Work, Overtime and Leave, Section F – Special Leave with Pay and Leave Without Pay.

PART 8 ONGOING CONSULTATION
This is a proposed new part setting out the matters on which the parties will continue consultation as stipulated in the relevant clauses.

Clause 8.1 Workforce Renewal
This new clause provides for SA Health to consult with the ANMF within the first 12 months of the proposed Agreement to develop an agreed strategy that will address the future Nursing and Midwifery workforce requirements of the public health system and, in particular, the need to address intergenerational change over the next decade in a context of economic and service constraints.

Clause 8.2 Injury and Income Protection Policy
This is a new clause. It provides income and injury protection to employees in accordance with the Income and Injury Protection Principles set out at the proposed new Appendix 9 where entitlements under the Return to Work Act 2014 (SA) have ceased. The parties have agreed that the operation details in relation to the Income and Injury Protection Principles will be resolved by 31 March 2017.

PART 9 PENALTIES AND ALLOWANCES

Allowances
The following clauses have been adjusted to apply a 2.5%pa increase, operative from the first full pay period commencing on or after 1 October 2016, and 1 October 2018:

- Clause 9.2 Rural and Remote Service Incentive Payments
- Clause 9.4 Nurse/Midwife In-Charge Allowance
- Clause 9.5 On-Call Allowance
- Clause 9.6 Responsibility Allowance
- Clause 9.8 Hyperbaric Allowance
- Clause 9.9 Uniform Allowance

PART 11 WORK HEALTH AND SAFETY AND WELFARE

Clause 11.1 Work Health and Safety Responsibilities
This clause has been updated to reflect the need for agencies to have and maintain a Respectful Behaviour policy and Manual Handling Guidelines during the life of the proposed Agreement.

TECHNICAL MATTERS (Explanatory notes & minor drafting changes)

PART 1 APPLICATION AND OPERATION OF AGREEMENT

Clause 1.1 Title
The proposed Agreement is called the Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2016.

Clause 1.2 Arrangement
This clause serves as the index to the proposed Agreement, and has only been changed to accommodate the inclusion of proposed new clauses, appendices and the reordering of previous clauses.

Clause 1.3 Definitions
This clause defines certain terms and abbreviations used in the proposed Agreement in order to clarify the intent of those terms and abbreviations. This clause has been updated to reflect proposed new terms and abbreviations, and reflect changes in titles (e.g. “agency”, “Business Rules”, “MedSTAR” and “NMBA”).

The Agreement Explained: Proposed Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2016 - 2 of 4
Clause 1.4 Scope and Parties Bound by this Agreement
This clause is the same as the current 2013 Agreement.

Clause 1.5 Date & Term
This clause stipulates that the proposed Agreement will operate from the date it is approved by the IRCSA with a nominal expiry date of 1 September 2019.

Clause 1.6 Renegotiation
This clause provides for negotiations for a proposed new Agreement to commence no earlier than March 2019.

Clause 1.7 Relationship to Award
This clause is to the same effect as the 2013 Agreement.

Clause 1.8 Purpose
This clause is to the same effect as the 2013 Agreement.

Clause 1.10 Aims and Objectives
This clause is to the same effect as the 2013 Agreement.

Clause 1.11 No Extra Claims
This clause is to the same effect as the 2013 Agreement.

Clause 1.12 Not to be used as a Precedent
This clause is the same as the 2013 Agreement.

PART 2 CONSULTATION AND DISPUTE RESOLUTION
Clause 2.1 Consultation
This clause is to the same effect as the 2013 Agreement.

Clause 2.2 Grievance & Dispute Settlement Procedure
This clause is to the same effect as the 2013 Agreement.

Clause 2.3 Workplace Flexibility
This clause is to the same effect as the 2013 Agreement.

PART 3 – STAFFING AND WORKLOADS
Clause 3.2 Skills Mix Provisions
This clause is the same as the 2013 Agreement clause 3.3.

Clause 3.3 Staffing: Department for Communities and Social Inclusion
This clause is to the same effect as the 2013 Agreement clause 3.5.

Clause 3.4 Rostering Arrangements
This clause is to the same effect as the 2013 Agreement clause 3.6.

Clause 3.5 Standard 10 Hour Night Shift
This clause is to the same effect as the 2013 Agreement clause 3.7.

Clause 3.6 Casual Employees
This clause is to the same effect as the 2013 Agreement clause 3.8 and has been updated to acknowledge the fact that the use of casual (or permanent) staff employed by a health unit is preferable to the utilisation of casual staff accessed through or employed through a labour hire agency.

Clause 3.7 Part Time Employees – Minimum Shift Lengths
This clause is the same as the 2013 Agreement clause 3.9.

Clause 3.8 Performance Review and Development
This clause is the same as the 2013 Agreement clause 3.10.

Clause 3.9 Midwifery Caseload Practice Agreement
This clause is to the same effect as the 2013 Agreement clause 3.11.

PART 4 CAREER STRUCTURE
Clause 4.1 Career Structure
This clause is to the same effect as the 2013 Agreement clause and notes that the carer structure/classification descriptors are detailed in Appendix 7.

Clause 4.3 Incremental Progression
This clause is the same as the 2013 Agreement clause.

Clause 4.6 Registered Nurse/Midwife Level 2 (RN/M2)
This clause is the same as the 2013 Agreement clause.

Clause 4.8 Registered Nurse/Midwife Level 5 (RN/M5) and Level 6 (RN/M6)
This clause is to the same effect as the 2013 Agreement clause.

PART 5 PROFESSIONAL DEVELOPMENT
Clause 5.1 Professional Development
This clause is to the same effect as the 2013 Agreement clause.

PART 6 SALARIES
Clause 6.2 Salary Sacrifice Arrangements
This clause is to the same effect as the 2013 Agreement clause.

PART 7 OTHER CONDITIONS
Clause 7.1 Recall to Work, Overtime and Time off In Lieu of Overtime
This clause is the same as the 2013 Agreement clause.

Clause 7.2 Days in lieu of Public Holidays
This clause is to the same effect as the 2013 Agreement clause.

Clause 7.3 Part Time Employees Working Variable Shifts – Public Holidays
This clause is the same as the 2013 Agreement clause.

Clause 7.5 Daylight Savings
This clause is to the same effect as the current clause.

Clause 7.7 Annual Leave
This clause is the same as the 2013 Agreement clause.

Clause 7.9 ANMF Representatives – Recognition and Leave
This clause is to the same effect as the 2013 Agreement clause.

PART 9 PENALTIES AND ALLOWANCES
Clause 9.1 Clinical Duties – Registered Nurse/Midwife Levels 5 and 6 (RN/M5 and 6)
This clause is the same as the 2013 Agreement clause 8.1.

Clause 9.3 Night Shift Penalty
This clause is the same as the 2013 Agreement clause 8.3.

Clause 9.7 Additional Duties Allowance
This clause is the same as the 2013 Agreement clause 8.7.

Clause 9.10 Allowance for Additional Qualifications
This clause is to the same effect as the 2013 Agreement clause 8.10 and makes reference to Appendix 12, discussed below.

**PART 10 WORK LIFE FLEXIBILITY**

This part has been updated to bring the terminology in-line with other public sector enterprise agreements, but it is otherwise to the same effect as the 2013 Agreement Part 9.

**PART 11 WORK HEALTH AND SAFETY AND WELFARE**

Clause 11.2 Lead Aprons and Relief Breaks

This clause is the same as the 2013 Agreement clause 10.2.

Clause 11.3 Pre-Employment Health Screenings

This clause is to the same effect as the 2013 Agreement clause 10.3.

**PART 12 – SIGNATORIES TO THE AGREEMENT**

This is to the same effect as the 2013 Agreement Part 11, except where titles have been updated.

**PART 13 – APPENDICES**

**Appendix 1: Staffing Methodologies in Emergency Departments, Intensive Care Units, Peri-Operative Services, Cardiac Vascular Investigation Units Catheter Laboratories and Endoscopy Units**

This appendix lists the agreed safe staffing levels and mix for the areas covered by the appendix.

**Appendix 2: Staffing Methodologies in Units (Non-Standard Based)**

This appendix sets out the detail of staffing levels for each inpatient care area and other relevant patient care areas. This includes an agreement for staffing levels of 3.2 NPCHPPD average across regions in Commonwealth Aged Care and 3.2 NPCHPPD in all State Funded Aged Care and MPS Aged Care Beds.

**Appendix 3: Country Health SA (CHSA) Monitored Care Levels and Criteria**

This appendix is the same as the 2013 Agreement Appendix 3.

**Appendix 4: Skill Mix in Country Inpatient Units**

This appendix is the same as the 2013 Agreement Appendix 4.

**Appendix 5: Department for Communities and Social Inclusion: Staffing Methodology**

This appendix provides DCSI staffing arrangements. It has been updated to reflect the current clinical area structure at Highgate Park.

**Appendix 6: Classification and Salaries**

This appendix provides classification and salaries for the life of the proposed Agreement, and includes increases to salaries in accordance with clause 6.1 and translation arrangements operative from the first full pay period on or after 1 October 2016.

**Appendix 7: Career Structure**

Amendments have been made to this appendix including the following:

- Amended titles for roles that in the most part align to interstate titles for a similar role;
- Separate Nurse Practitioner Classification; and
- Level 4 RN/RM can line manage Level 3 RN/RM(s) subject to the criteria outlined in Appendix 7.

**Proposed New Appendix 7A: Career Structure: Translation and Implementation**

This proposed new appendix sets out the translation arrangements consequent on the outcomes of the joint review of the Careers Structure and Classification Descriptors reflected at Appendix 7.

**Appendix 8: Midwifery Caseload Practice Agreement**

This appendix is to the same effect as the 2013 Agreement Appendix 7.

**Proposed New Appendix 9: Income and Injury Protection Principles**

This proposed new appendix sets out the Income and Injury Principles with any operational details to be resolved between he parties by 31 March 2017.

**Appendix 10: Rural and Remote Service Incentive Payments**

This appendix is to the same effect as the 2013 Agreement Appendix 9, and provides for increases to the payments.

**Appendix 11: Zone Allocations – Health Unit Sites**

This appendix is to the same effect as the 2013 Agreement Appendix 10.

**Appendix 12: Qualification Allowances and Conditions of Eligibility**

This appendix is to the same effect as the 2013 Agreement Appendix 11 and provides for increases to the Qualification allowances in accordance with the provisions of the Appendix.

**Proposed New Appendix 13: SA Nursing/Midwifery Enterprise Agreement Staffing Model Business Rules 2016**

This proposed new appendix aims to support the operation of the staffing models provided in the proposed Agreement, including, but not limited to safe staffing levels clause 3.1 of the proposed Agreement and related appendices. The Business Rules do not apply to DCSI.

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