

The Collective Perspective



THE ANF ACT BRANCH NEWSLETTER June—July 2011



ANF MEMBER SHINES:

ACTANF member Sandra Mahlberg was recognized by her union colleagues at the May Day celebrations held in Canberra on 6 May.

Sandra was recognised for her tireless work in activating members within her workplace, her commitment to unionism through her participation as an ACTANF Workplace Delegate, Executive Branch Council member, workplace Consultative Committee member, employee representative on the Enterprise Bargaining Committee, Council Member of Unions ACT and community liaison activities through her association with Rotary, whilst working fulltime and raising her family.

In activating members in her workplace, Sandra recruited 18 new members within the past two years. ACTANF Branch Secretary, Jenny Miragaya said Sandra had represented the interests of her work colleagues in interactions with their employer in staffing, workload and occupational health and safety issues in the workplace and within various consultative forums and during enterprise bargaining negotiations. "Sandra has demonstrated her self-

lessness, energy and courage through her highly principled leadership within the workplace and community. She is an excellent example of the social justice values of unionism in action, not only in terms of her advocacy on behalf of her work colleagues and patients, but also through her Rotary based involvement.

Through her involvement with Rotary, Sandra coordinated and assisted the successful provision of medical care in the ACT for children from developing countries.

"A well deserved May Day winner. Congratulations Sandra."

Pictured below: (l-r) ACT Labor Senator Kate Lundy, ACTANF Branch President, Athalene Rosborough, May Day recipient, Sandra Mahlberg, ACT Chief Minister and Health Minister, Katy Gallagher, ACTANF Secretary, Jenny Miragaya

PUBLIC SECTOR EBA CAMPAIGN IS ON FACEBOOK

The ACT ANF has launched a Facebook site for those members in the Public Sector to keep up date and in contact with the Union on matters EBA related.

To access the ACT ANF page

- 1. Log in to Facebook and type into the search bar 'ACT ANF Public Sector EBA' once on the page**
- 2. Hit the 'Like' button to get updates from the page and invitations to EBA related events and activities.**

Do not worry if you are not on Facebook. The ACT ANF will not be replacing the traditional forms of communication: We will continue to email members about EBA activities, posting flyers around facilities and encourage you to talk to your Workplace Delegate to find out information about the EBA.

NB: All members, if you do not receive email from the ACTANF can you please call us to update your details.

If re-elected, further aged care reform will be a second term priority.
— PM Julia Gillard, 21 July 2010

Let's make that promise a reality, PM.

because we care
Quality care for older Australians
www.becausewecare.org.au
Find us on facebook

From the Branch Secretary

The workload of the ACT ANF office remains constant. The Nursing and Midwifery Week events were well received with the ACT ANF visiting the majority of facilities within the week to deliver Lions' Club cakes and to thank ACT Nurses and Midwives for their contribution to nursing and midwifery. The free membership raffle, utilising the membership database, resulted in 22 members winning a variety of prizes.

ACT ANF Critical Incident forms continue to be forwarded to the ACT ANF but in fewer numbers. It is hoped that this means that staffing and workload matters within facilities have improved. Any CIs forwarded to the ACT ANF will be vigorously pursued.

The Industrial Organiser, Liam Fuller, continues to visit worksites to update members on Enterprise bargaining matters and the ANF *Because We Care* campaign. If you consider that your workplace would benefit from a visit from the ACT ANF, please contact the office on 62829455 and speak with Liam to arrange a site visit.

Disputes in respect of the application of the Public Sector EBA have been resolved. Back pay in respect of the Qualification Allowance for all eligible ACT Public Sector Nurses and Midwives has been secured. The back pay applicable to eligible nurses and midwives employed by Calvary Public Hospital was paid on 12 May. The Qualification issue in respect of QEII is also being progressed. Unfortunately the wording of this agreement is different to that of the PS EBA and may cause some difficulties.

The revised pilot proposal in relation to the proposed extension/introduction of a team midwifery/group midwifery practice Model of Care within the Women's and Babies Hospital at TCH is well underway. The ACT ANF raised no objections to the wording of the proposed draft SEA proposal. The Chair of the Maternity Review Committee, Dr Peggy Brown, has requested that a revised evaluation process be sent to Committee members for consideration out of session.

It is hoped that agreed NHPPD benchmarks in respect of Calvary Health Care ACT Public Division, will soon be finalised.

Recommendations from the Reasonable Workload Committee in respect of 9B at TCH have been made and look like they will be implemented. The RWC remains involved. Public Sector members are encouraged to utilise this committee when issues arise in respect of staffing and workload. Members who work outside of the Public Sector are encouraged to contact the ACT ANF if unreasonable workloads or inappropriate staffing occurs within your workplace.

The ACT ANF has had ongoing communication with Calvary Private members and management since being alerted by members of a proposal to rationalise beds on 3N and 6th floor. It now appears that the bed rationalisation would take effect on 30 June 2011.

The ACT ANF met with Calvary Public management in respect of a review of Ward Service Officer positions on 5 May and received a copy of the draft review document for consideration and comment on 8 June 2011.

The ACT ANF has attended a number of consultation sessions in respect of the permanent commissioning of an additional 4 beds utilising the dining room in 11A at TCH, most recently on 9 May. The timetable is such that the closure of the 4 beds in the dining room to finalise the refurbishment will occur in June.

The Community Mental Health MITT/ACT transition is yet to be implemented. The ACT ANF is still awaiting an update in respect of the MITT/ACT transition Model of Care.

The ACT ANF Biennial Conference will be held 28 and 29 July 2011, with the second day, 29 July, open to all members who wish to attend. The ACT Chief Minister and Minister for Health, Ms Katy Gallagher, along with Opposition Shadow Health Spokesperson, Mr Jeremy Hanson and the Greens representative, Ms Caroline Le Couteur, will present their vision for ACT health ser-

vices into the future and be available to answer questions from members. A presentation on Consent and Negligence with an emphasis on the Coroner's Court will be provided by Maurice Blackburn solicitors and HESTA will examine "Superannuation - From the Cradle to the Grave." Interested members are encouraged to seek leave to attend as soon as possible. Certificates of attendance will be available on request to assist members to meet Continuing Professional Development obligations.

ACT ANF Branch Councillor and Workplace Delegate, Sandra Mahlberg, was the successful nominee for the Unions' ACT May Day Award and was greatly surprised when she was announced as the winner at the May Day Toast held on 6 May 2011. Congratulations to Sandra. Well done!

Yours in solidarity
Jenny Miragaya
Secretary



TAX TIME:

If you would like a receipt for your membership fees for taxation purposes, please email the ACTANF office actanf@actanf.org.au or ring 62829455.

How We Have Supported The Community.

MOTHERS DAY CLASSIC



ACTANF staff and members continue to support the ACT Community in a variety of charity events that have been held. On Mothers Day, ACTANF joined other participants for a brisk “stroll” around the Lake for the Mothers Day Classic. Some of our staff and members were a little more “brisk” than others.



MS 24 HOUR MEGA SWIM

On 5th June 2011, Tom Cullen, Industrial Officer, successfully competed in the 24 hour Mega Swim for MS at the AIS. Well done Tom! (Left) Tom takes a “breather” during the Mega Swim.

BRIDGE WALK FOR REAL ACTION ON CLIMATE CHANGE.

On June 5, Branch Secretary Jenny Miragaya, joined union colleagues & concerned residents for a march from Regatta Point across Commonwealth Avenue Bridge to Parliament House.



NATIONAL DAY OF MOURNING

The ACT ANF Branch Secretary joined about 50 other union colleagues and invited guests at the International Day of Mourning ceremony held at Unions ACT on 28 April. The day commemorates workers who have died during the course of their employment. The Union Voices choir provided a suitable choral tribute to workers, Mr Andrew Leigh, Member for Fraser, and Ms Kim Sattler, Secretary of Unions ACT, provided insights into the issues associated with providing a safe work environment and Reverend Gregor Henderson conducted a moving memorial on behalf of deceased workers. The ceremony was followed by a morning tea where guests were able to express their support for safe work practices and consider the surprisingly large numbers of workers who are injured or killed each year in the course of their employment.



MAY DAY TOAST

The Secretary, President and Branch Council members joined Senator Kate Lundy, ACT MLA and new Chief Minister, Ms Katy Gallagher, and Senior Citizen of the Year, Ms Marie Coleman, and other invited guests and union colleagues at Unions ACT to celebrate May Day at the May Day Toast held on 6 May. Mr Norman Abjornsen gave an insightful speech about the significance of Labour Day and the fight for the 8 hour day in Australia. ACT ANF Branch Councillor, Ms Sandra Mahlberg was presented with the 2011 Unions ACT May Day award for her commitment to unionism, her patients and to the wider community. A rousing chorus of “Solidarity Forever” was led by the Union Voices Choir at the conclusion of the formalities.

Hall of Fame:

CONGRATULATIONS TO ALL OUR NURSES AND MIDWIVES IN THE ACT, YOU DESERVE A PLACE IN OUR HALL OF FAME.

Nursing and Midwifery Week was celebrated by the ACT ANF 5 -12 May.

THE REMEMBRANCE CEREMONY AT THE WAR MEMORIAL

The ACT ANF Branch Secretary attended a very moving Remembrance Ceremony at the Australian War Memorial on 10 May. The wreath laying ceremony was followed by the presentation of a one act, one person, play - "Last Letters" - illustrating the trials that nurses faced during World War I. Leith Arundel's performance was poignantly moving which resulted in most of the audience, including the Branch Secretary, shedding quiet tears and well illustrated the selfless commitment that nurses and midwives have always made to their profession and patients, not just in war, but in the myriad of workplaces and roles nurses and midwives undertake.



THE ACT NURSING & MIDWIFERY EXCELLENCE AWARDS



The Branch Secretary, Ms Jenny Miragaya, (pictured left) attended the ACT Nursing and Midwifery Excellence Awards Ceremony on 11 May. This was a well attended celebration of nursing and midwifery within the Territory, recognising the outstanding achievements made by ACT Nurses and Midwives in the preceding year. Ms Miragaya presented the ACT ANF sponsored Team Excellence Award which was won by Research Centre for Nursing and Midwifery Practice.



(Right) The Research Centre team. (From left) Jill Parke, Violetta Lopez, Branch Secretary, Jenny Miragaya and Irene Lake at the N & M Awards.

Hall of Fame:

CONGRATULATIONS TO ALL OUR NURSES AND MIDWIVES IN THE ACT, YOU DESERVE A PLACE IN OUR HALL OF FAME.

Nursing and Midwifery Week was celebrated by the ACT ANF 5 - 12 May.



The week kicked off by the ACT ANF on International Midwives Day, 5 May, with a visit to all Maternity and related service facilities to deliver a small gift of appreciation in recognition of the hard work and commitment shown by ACT midwives.



As the week progressed the vast majority of ACT health care facilities were visited and presented with Lions' Club cakes to thank ACT Nurses and Midwives for their contribution to nursing and midwifery between 5—12 May. ACT ANF membership information and information in respect of the Lions' Club Nursing Scholarships was also delivered. Members are encouraged to consider utilising the Lions' Club Scholarship scheme to assist them financially as they pursue further education.

The week culminated with the drawing of a silent free member raffle utilising the ACT ANF data base. 22 lucky members of the ACT ANF received a variety of prizes ranging from Cooler bags to movie tickets and shopping vouchers. The ACT ANF thanks its generous sponsors who helped them celebrate International Nurses and Midwives Week in style, Maurice Blackburn Lawyers, the Commonwealth Bank, HESTA Super and of course the Lions Club of



NSW. Congratulations and thanks to all nurses, midwives and assistants in nursing working within the ACT—your efforts are much appreciated.



+++++

INDUSTRIAL MATTERS

Entitlements

Enterprise Bargaining Agreements (EBAs) are the result of the hard work of negotiation teams the precedents set by previous Awards and EBAs, and agitation and action by members throughout the bargaining period. This means that when a new EBA is being negotiated, the existing terms and conditions of employment and the entitlements stipulated in the existing Award and/or Agreement play a significant part in determining what will be contained in the new Agreement and the rates of pay and conditions which will apply to employees in the future.

It is crucial particularly in regards to current Public Sector EBA negotiations that as a nurse midwife or assistant in nursing in the ACT that you are aware of and exercise your entitlements at work. For example, if you are entitled to a meal break take it if you are entitled to a payment claim it if you are for any operational reason unable to take a meal break for example, let your employer know and make sure you utilise the 'no meal break' provisions and claim payment at the overtime rate. Due to work commitments or personal preference, you may feel as though doing so is letting the team down or it is not worth the effort to claim your legitimate entitlement. However, failing to fully utilise your entitlements can set a dangerous precedent. Like any activity, reoccurrence can create systematic patterns, known in industrial employment parlance as 'established practice'. Though not guaranteed, failure to utilise entitlements may grant employers an 'established practice' argument against their renewal and implementation in a new EBA.

The conditions you are employed under are determined as much by the bargaining team and the EBA as they are by your willingness to utilise these entitlements and exercise your hard won rights under the Agreement. The hard work and sacrifice of earlier union colleagues earned the entitlements that nurses and midwives currently enjoy, and which assist in creating a manageable working environment. To safeguard these entitlements now, and for future employees in the ACT, please make sure you use them, or claim reasonable compensation where unable to do so. You are not claiming anything, more or less, than what you are entitled to. Don't let the hard won gains of collective action be eroded or lost and become an 'established practice' to be used against other nurses and midwives.

Keeping Paper Trails

If a meeting, conversation, or verbal agreement occurs with a workplace manager follow it up where possible with an email confirming what transpired. This provides not only a confirmation of what was said and occurred during the meeting, clarifying any unclear points raised or intentions conveyed but also provides a useful source for future reference should the expectations or outcomes not be fulfilled or become the foundation for adverse action. Though it may seem unnecessary at the time, keeping a record of such events is best practice and can be of great help to the ACT ANF if they need to support you.

INDUSTRIAL MATTERS

Changing Dynamics in Union Membership

Figures released by the Australian Bureau of Statistics show that the traditional pattern of union membership in Australia is changing. Australia wide, in the year to August 2010, union membership has decreased from 19.7% of the workforce to 18.3% (47,300 members) but the decline has not been across all sectors. Men and public sector workers have seen large drops, with public sector unions losing 120,100 members while net female membership of unions increased by 11,900 in the same period. Unions made gains in the private sector with an increase of 72,800. The ACT was the only state/territory to have an increase in union membership. The ACT ANF has seen membership growth of 13.4% in the past year, this is reflected in the national growth of the ANF which has seen the Nursing union become the second largest union in Australia with over 200,000 members. Roughly 1 in every 130 Australians is a member of the ANF.

Misconduct, Underperformance and Termination

If you receive any correspondence from your employer that refers to misconduct, underperformance or termination you should contact the ACT ANF as soon as possible. The ANF is able to provide you with advice and, where appropriate, advocacy, on these matters. The sooner you contact the ANF regarding a misconduct or underperformance matter the better, as it is difficult to ensure that you have had procedural fairness applied after you have had action taken against you. It is important that you keep copies of any correspondence between yourself and your employer and, if you are seeking the assistance of the ANF, to have this correspondence readily available. Further, if you are asked to sign any documentation relating to misconduct or discipline, take some time to read it. This may include stopping the meeting and taking the document home and/or contacting the ANF. It is very rare for such a document to have to be signed immediately. Regarding underperformance and misconduct matters, it should be noted that it is not the role of the ANF to either demonstrate that you are competent or prove/disprove that misconduct occurred. The role of the ANF is to ensure that you have access to all the entitlements and protections of your agreement/award, that the process you undergo is fair and that the principles of natural justice and procedural fairness have been applied to any decision made on your employment.

Why should I Belong to the Union? What does the ANF do for me?

The Federal ANF is the second largest union in the country and represents over 200,000 nurses, midwives and assistants in nursing throughout the country. The ANF is therefore a significant body representing both the professional and industrial interests of the majority of nurses and midwives in Australia. The ANF participates in the development of policy relating to nursing and midwifery practice, professionalism, regulation, education, training, workforce and socio-economic welfare, health and aged care, community services, veterans' affairs, occupational health and safety, industrial relations, social justice, human rights, immigration, foreign affairs and law reform.

Strategically, within the ACT, the ACT ANF is an executive member of Unions ACT and also participates in the Chief Executive Forum of the Health Directorate, the Nursing and Midwifery Council. The Maternity Review Committee, has provided submissions in respect of the Capital Infrastructure Program and associated Models of Care, the establishment of the Nurse Led Walk In Clinic, the Health and Hospitals' Reform agenda and the establishment of the Local Hospital Network and Primary Health Organisations, the future of Public Hospitals Services in the ACT, budget submissions and most recently a submission in respect of the revised ACT Health Workforce Plan.

In respect of individual union members, the ANF provides the following services and benefits:

1. Protection against unfair treatment at work

The ANF provides expert advice and assistance to members on

professional practice and employment matters including:

- Wages
- Hours of Work
- Working Conditions
- Health and Safety issues
- Workers' compensation
- Superannuation
- Training & Education

2. Workplace Health and Safety

3. Better wages, Better conditions

Union members earn on average \$118 a week more than non-union employees (ABS 2009).

Union members also get better sick leave and holiday leave entitlements and are more likely to receive long service leave and paid maternity leave.

Union members are better trained, have better working conditions, more job security and work fewer hours.

4. Help get better workplace laws

- Protection from unfair dismissal
- A strong safety net for all Australians with the National Employment Standards
- Collective agreements when workers want one
- Penalty rates, overtime, public holidays, redundancy pay and work allowances
- Regular & fair setting of the minimum wage

5. Membership benefits

Union membership can save you money.

Unions also offer a range of membership benefits - from cheap home loans to discount consumer goods. For more information visit:

www.memberconnect.com.au

Specific Benefits Applicable to ACT ANF Members include:

- The Australian Nursing Journal & Branch Newsletter mailed to your home address.
- Professional Indemnity Insurance included as part of your membership as of 1 July 2010
- Free online access to the Australian Journal of Advanced Nursing
- Industrial advice & advocacy
- Legal advice on any work related or personal matter – one free consultation annually
- Professional advice & advocacy
- Access to the CINAHL database of nursing literature

The ACT ANF is currently in negotiations with the ACT Health Directorate in respect of a replacement Public Sector Agreement and has recently negotiated several new EBAs on behalf of members as highlighted in the *News in Brief* section.

So these are the reasons you belong to a union and what the ANF can do for you and your membership is fully tax deductible.

Remember:

THE COLLECTIVE IS ALWAYS STRONGER THAN THE INDIVIDUAL

News in Brief

Because We Care About Aged Care

The Because We Care campaign continues. The Federal ANF responded to the Federal budget brought down on 10 May. Although there was very little in this budget directed toward Aged Care, in light of the Productivity Commission report findings to be released in June and which will make the 2012 Federal Budget the "Aged Care Budget", significant additional funding was allocated to Mental Health. Members are encouraged to access the website and add their voice to the BWC campaign: <http://www.becausewecare.org.au/index.html>

ENTERPRISE BARGAINING UPDATE

Public Sector Agreement

- Negotiations in respect of a replacement Agreement have been ongoing with an amended pay offer of 3% suggested by the Health Directorate management representatives on 21 June. Public Sector members will be asked to consider this offer at a meeting to be held on 24 June.
- The ACT ANF has set up a Facebook page as part of the Public Sector EBA campaign. The aim of the page is to allow easier communication between the ACT ANF bargaining team and members of the Public Sector workforce. The Facebook page will not replace any of the usual means of communication, such as emails and flyers before information sessions, so if members do not have a Facebook account they will not miss out. However, members will be able to see the page by clicking on the link below but will not be able to interact with the page or receive updates from it unless they are logged on (signed in) to Facebook. For those of you who use Facebook visit <http://www.facebook.com/pages/ACT-ANF-Public-Sector-EBA/127215560688415> or type in to your Facebook search 'ACT ANF Public Sector EBA'. Once you are at the page all you need to do is hit the 'Like' button.
- The Reasonable Workload Committee is meeting regularly.
- Agreed NHPPD benchmarks for TCH are being implemented. NHPPD benchmarks for Calvary Public Hospital are still to be finalised.

CJH

- Communications are ongoing in respect of AIN employment and SOP.
- Draft documents in respect of a proposed pilot and accompanying draft competencies have been received and are being reviewed.

Anglicare

- The Agreement has been approved by FWA.

NatCap

- Voting has been completed with just fewer than 50% of those eligible to vote participating in the vote, and 100% of those who voted, voting in favour of the Agreement. The Agreement was approved by FWA 16 June 2011.
- Applicable back pay was paid on 9 June.

Catholicare

- Voting has been completed with approx 50% of those eligible to vote participating in the vote and 94% of those who voted, voting in favour of the Agreement. The Agreement will be lodged with FWA.

Uniting Care

- The Agreement expires in 3 months. Negotiations are like to commence shortly. Interested members are encouraged to contact the ACT ANF office to express their views and become involved in the process.

Salvation Army

- The Agreement expires in 6 months. Negotiations are like to commence shortly. Interested members are encouraged to contact the ACT ANF office to express their views and become involved in the process.

QEII

- Negotiations ongoing.
- Still awaiting the outcome of the Qualifications Allowance decision.

2011 ACTANF BIENNIAL CONFERENCE 28-29 JULY

Dear Members

ACTANF will be hosting their Biennial Conference 28—29 July 2011.

This years Conference will be held at Olims All Seasons Canberra Hotel
cnr Ainslie & Limestone Avenue Ainslie.

Day 1—28 July 2011

Day 1 will consist of Guest Speakers, Round Table Conference and Resolutions for Federal Conference.
Branch Councillors, Workplace Delegates & ACTANF Staff ONLY

Day 2—29 July 2011

Day 2 will consist of a Q & A Panel (9:30—12:30)pm.

The Panel members are Katy Gallagher, MLA, Chief Minister & Health Minister, Jeremy Hanson MLA ,
Shadow Health Minister & Caroline Le Couteur Greens MLA. They have been invited to speak on their
vision for ACT Health into the future. The floor will be opened to questions (without notice) for the entire
panel.

The afternoon session (2:00—4:00pm) will consist of 2 Guest Speakers;

Elaine Lawler—HESTA Superannuation Advice “From the Cradle to the Grave” where members will have
the opportunity to make individual appointments to speak with a financial advisor (on a date to be fixed)

Thena Kyprianou—Maurice Blackburn Lawyers “Staying out of the Coroners Court”

An invitation to attend this day is extended to ALL members of the ACTANF

Certs of Attendance will be given for CPD.