

VICTORIAN PUBLIC MENTAL HEALTH SERVICES ENTERPRISE AGREEMENT 2020-2024

SUMMARY OF CHANGES

(To be read in conjunction with the text of the proposed Agreement)

SECTION 1: COMMON TERMS

No.	Clause Title	Summary of Proposed Amendment
5	Application of Section 2	Amended to re-title Psychiatric Services Officers to Mental Health Officers.
6	Application of Section 3	Amended to include Art Therapists and Lived Experience Workers.
7	Application of Section 4	Amended to delete reference to Consumer Consultants, Carer Consultants, Lived Experience Workers and Peer Workers
9	Definitions	<p>New definitions to address:</p> <ul style="list-style-type: none"> - Establishment of a forum to discuss the parties commitment to Best Practice Employment. - Lived Experience Worker definition to reflect insertion of umbrella term - Mental Health Officer to reflect name change <p>Clarification regarding scope of Agreement through amendment to scope clause.</p>
11	Incidence and Operation of this Agreement	Nominal expiry date of 31 December 2024.
17	Gender Based Discrimination	Establishment of a Gender Based Standing Committee (GBSC).
PART B: CONSULTATION, DISPUTE RESOLUTION AND DISCIPLINE		
18	Consultation	Where relevant, insertion of a requirement to provide position descriptions. Requirement to notify other party as soon as practicable if concerned regarding compliance with dispute resolution process.
19	Consultation about changes to rosters or hours of work	Existing clause separated out from broader Consultation clause
20	Redundancy and Associated Entitlements	Insertion requiring Employer to give priority to existing Employees in the context of a 'spill and fill'.

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22	Dispute Resolution Procedure	Minor changes to make uniform across Agreements
23	Alternative Dispute Resolution Procedure	New clause to facilitate the hearing and determination of disputes applications regarding: <ul style="list-style-type: none"> - a dispute in relation to the classification of an Employee; and, - an alleged underpayment (requires mutual agreement).
24	Managing Conduct and Performance (Discipline)	Amendments to align process with the remainder of the Victorian Public Health Sector on matters pertaining to: <ul style="list-style-type: none"> (i) natural justice during investigations. (ii) a process of efficiently managing conduct and performance where the allegations are not in dispute. (iii) a process of managing conduct and performance of employees who are within their six-month minimum employment period. (iv) a process to performance manage as opposed to investigate conduct or performance
PART C: TYPES OF EMPLOYMENT AND END OF EMPLOYMENT		
25	Modes of Employment	New sub-clauses that: <ul style="list-style-type: none"> - provides that where an Employee converts from Full-Time to Part-Time, the total EFT within the Employee's workplace does not reduce - amend and clarify the definition of casual Employee
26	Casual Conversion	New clause to facilitate Casual Conversion
27	Retention / Transition to Retirement	Inclusion of a new sub-clause to provide that senior clinician working in an acute unit may request a rotation to a Mental Health community team and vice versa to facilitate retention.
PART D: WAGES AND RELATED MATTERS		
29	Payment of Wages, Allowances, Employee Records and Related Matters	Movement of 'Payment' into Common Clauses Insertion of new terms addressing Employee Records, reflecting the terms of the Fair Work Act & Fair Work Regulations Removal of requirement to pay Employees who resign on or before their last day of Employment.

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		Introduction of a requirement for the Employer to consider any genuine difficulties an employee may have with the introduction of biometric time keeping.
32	Superannuation	Agreement to provide payment of superannuation on all parental leave from 19 October 2021 Updated to reflect statutory changes.
PART E: ALLOWANCES AND REIMBURSEMENTS		
34	Vehicle Allowance	Minor amendment to clarify that an Employee may only be directed to use their private vehicle, in connection with their duties, where this forms part of their contract of employment or it has been agreed in writing
36	Telephone Allowance	Relocation of clause into common section.
PART G: LEAVE		
39	Leave to Engage in Voluntary Emergency Management Activities	New clause inserted to provide up to 2 weeks paid leave for prescribed activities subject to operational requirements.
40	Absence on Defence Leave	New clause inserted to provide a jury service model for make-up pay where an employee is required to be absent on defence service within the meaning of the Defence Reserve Service (Protection) Act 2001.
41	Special Disaster Leave	New clause inserted to provide paid special disaster leave (which is described) capped at 3 days per year where personal leave not available.
42	Gender Transition/Gender Affirmation Leave	New clause inserted to provide gender transition/affirmation leave
43	Ceremonial Leave	Provides that an Employee may substitute a public holiday for a day during NAIDOC week
44	Compassionate Leave	New entitlement to take compassionate leave where a pregnancy terminates prior to twenty weeks. Clarification inserted that an Employer may use their discretion to approve compassionate leave to relatives not covered by the definition of immediate family.

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47	Long Service Leave	Amended existing clause to: (I) Expansion of what counts as continuous service to align with the State Act. This includes unpaid parental leave. incorporate those items counted align the provisions of the State Act. (II) Provision of a pro-rata LSL entitlement after 7 years phased as follows: 9 years from 1 July 21/22; 8 years from 1 July 22/23; 7 years from 1 July 23/24
50	Parental Leave	Amended existing clause to: (i) Paid Parental Leave must be taken contemporaneously with the birth or placement of the child(ren). (ii) Increase paid component to 14 weeks for Primary Carer leave and 2 weeks for Secondary Carer leave. (iii) 6 months continuous service to be entitled to Parental Leave. (iv) Updates to reflect statutory changes.
PART I: STAFFING		
55	Recruitment to Vacant Position	Amendments to address where genuine recruitment efforts are unsuccessful
56	Time Limit on Higher Duties	A new clause that provides that an Employee who is performing higher duties for a continuous period of nine months will be permanently appointed to the role.
57	Community Mental Health Discipline Mix	Additional terms that provide for the replacement of a Nurse with a Nurse in community teams.
58	Community Mental Health Engagement Worker	A new clause that facilitates the introduction of 'Community Mental Health Engagement Workers'
59	Aboriginal Healthcare Worker Traineeship	A new clause that facilitates the introduction of 'Aboriginal Healthcare Worker Trainees'
60	Community Workload Management System (CWMS)	Amendments to the existing clause regarding implementation and the introduction of standard reporting obligations

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61	Crisis Team Workload Management System (CTWMS)	New clause to facilitate the operation of workload management system within ECATT, CATT, triage or like services
62	Demand Escalation Policy	New clause to require Employers to maintain and apply demand escalation policy to promote safe patient care, staff safety and a risk management framework within 6 months of the commencement of the Agreement.
PART J: WORKPLACE RIGHTS, UNION MATTERS AND BEST PRACTICE EMPLOYMENT COMMITMENT (BPEC)		
65	Flexible Working Arrangements	Amendments to comply with requirements of the NES
66	Individual Flexibility Working Arrangement	Amendments to comply with requirements of the NES
68	Best Practice Employment Commitment	<p>New clause providing a framework for ongoing discussions regarding:</p> <ul style="list-style-type: none"> (a) Reducing the volume and duplication of organisational, clinical, legal and reporting documentation; (b) Reducing the environmental impact of health services; (c) Developing an advanced practice nursing structure with classification descriptors aligned with a contemporary classification stream for liaison, clinical coordinators and advanced practice nurses, and associated translation arrangements; (d) Developing a clear pathway for Nurse Practitioner Candidates; (e) Reviewing existing RPN Classifications, with reference to contemporary practice, to ensure role clarification between different RPN classifications. (f) Reviewing existing Nurse Unit Manager (NUM) classification and role with the intention of developing a three level NUM structure having regard to the following principles: <ul style="list-style-type: none"> (i) The classification must consider: <ul style="list-style-type: none"> A. Complexity –is the levels of interaction of multiple measurable factors such as: <ul style="list-style-type: none"> 1) Number of Beds 2) Acuity of Beds including HDU beds

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		<ul style="list-style-type: none"> 3) Hours of service 4) FTE and proportion of part-time staff 5) Composition of services offered 6) Interfacing with multiple teams 7) Size of budget/business management responsibility 8) Reporting requirements under the Mental Health Act (2014) 9) Throughput 10) Diversity of staff managed (Multidisciplinary, Lived Experience Workers) 11) Regional/isolated setting (away from hospital campus)
		<p>B. Level of Autonomy – is the degree to which the NUM manages and leads their unit/team. It may be affected by such things as the nature of the unit/team, the model of care and the involvement in Clinical Care, the presence or absence and access to the Mental Health Director of Nursing and relevant support services. Taking into consideration any other operational reports that will influence this.</p> <p>C. Access to Health Service Infrastructure and Support – this means as a leader and manager the NUM utilises, where available, additional expertise to perform their role.</p> <p>D. Responsibility - refers to professional leadership for consumer care and accountability for management of staffing and other resources within the ward/unit/program/service with a focus on improving consumer outcomes</p> <p>E. Governance Obligations – refers to actions taken by leaders at all levels and systems, established for improving the quality of services and safe guarding high standards of care, by creating an environment in which excellence in clinical care will flourish. This may include involvement in accreditation processes.</p>
		<p>(ii) The classification structure will as far as practicable result in commonality of the terms and conditions of Nurse Managers undertaking the same type of work within Health Services.</p>
	(g)	The development of an Administrative Officers structure that is appropriate for the environment work is completed.

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		<p>(h) The development of an appropriate clinical discipline mix comprised of a combination of Nurses and Health Professionals to apply to community mental health teams, having regard to certain criteria.</p> <p>(i) In the first six months of the new enterprise agreement, a review of the Health Professionals' structure.</p> <p>(j) The development of a research classification stream for RPNs.</p>
69	Royal Commission Working Group	New clause to facilitate a framework for the parties to properly consider any industrial implications arising from the Royal Commission recommendations and any provisions of this Agreement that may be in conflict with or benefit from amendment to accommodate any recommendation arising from the Royal Commission.
PART K: OCCUPATIONAL HEALTH AND SAFETY		
70	Occupational Health & Safety / Workplace Violence	<p>Amendments to provide for:</p> <ul style="list-style-type: none"> - Insertion of a requirement for Nurses Managers/Supervisors to be provided with adequate OHS education and support to ensure OHS obligations are met; - Insertion of requirement for support staff are informed of any heightened OVA risk and additional precautions that are necessary. - Insertion of requirement for front line administrative staff training in how to respond to OVA incidents within the workplace. - Insertion of requirement for a PSA within a Acute Inpatient Unit to be provided with a fully functional personal alarm device. - Insertion of requirement for sites with an Acute Inpatient Unit to have an adequately staffed Code Grey response. - Insertion of requirement for the Employer to maintain a DWG list ithe the election dates of HSR's and when they undertook the HSR training. - Additional OVA reporting requirements.

SECTION 2: REGISTERED PSYCHIATRIC NURSES / PSYCHIATRIC ENROLLED NURSES AND PSYCHIATRIC SERVICES MENTAL HEALTH OFFICERS ONLY

Clause Title		Summary of Proposed Amendment
PART A: PRELIMINARY		
71	Definitions	Amendments to clarify when and how overseas experience is treated and also when a year of experience occurs for the purpose of progressing in the classification structure. :

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72	Employment Arrangements	Insertion of a requirement to record in writing appointment variations and to provide a copy to the Employee.
73	Termination of Employment	Requirement to provide certificate of service wherever practicable within 14 days of termination.
PART C: WAGES AND RELATED MATTERS		
Sch 2	Salaries and Allowances	Wage increases as follows: (a) From the FFPPOA 1 July 2021 – 3% (b) From the FFPPOA 1 July 2022 – 3% (c) From the FFPPOA 1 July 2023 – 3% (d) From the FFPPOA 1 July 2024 – 1.5%
74	Once Off Nurse Alignment Payment	A new clause that provides for a payment equivalent to 3% of wages earned between FFPPOA 1 December 2020 to FFPPOA 1 July 2021
75	Annual Retention Payment	Payment of a yearly allowance to MHO Employees as follows: (a) FFPPOA 1 July 2021 - \$1500 (b) FFPPOA 1 July 2022 - \$1800 (c) FFPPOA 1 July 2023 - \$2000 (d) FFPPOA 1 July 2024 - \$2000
PART D: ALLOWANCES AND REIMBURSEMENTS		
80	Damaged Clothing Allowance	New provisions to ensure clothing and other personal effects damaged in the course of employment is replaced, repaired or cleaned.
81	Higher Duties Allowance	Amendment to remove restriction on RPN5 and above undertaking direct clinical work from receiving higher duties.
83	Meal Allowance	Amendments to the existing clause to clarify entitlement
85	Qualification Allowance RPN	Insertion of entitlement to higher qualification allowance (3.5%) where an employer requires the Employee to hold a certificate IV in Training and assessment and this is this the highest additional qualification held by the Employee.

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		Amendment to clarify that obtaining Advanced Diploma in Mental Health is a qualification that attracts a higher qualification payment.
86	Travelling and Relocation Allowance	Insertion of clause to address compensation for Employees unexpectedly required to travel between campuses.
87	Saturday and Sunday Work	Amendment to remove restriction on RPN5 and above undertaking direct clinical work from Saturday and Sunday penalty rates.
88	Shift Allowances	Amendment to remove restriction on RPN5 and above undertaking direct clinical work from receiving shift penalties. Insertion of 6 month trial for higher night duty allowance on Sunday nights.
89	Sole Allowance	Insertion of new allowance where Employee sole practitioner in named classification.
PART E: HOURS OF WORK AND RELATED MATTERS		
93	Overtime	Amendment to remove restriction on RPN5 and above undertaking direct clinical work from overtime provisions. Amendments to the existing clause to clarify entitlement.
95	Oncall/Recall (non CATT)	Insertion of sub-clause to address fatigue in the context of recall work that does not require a return to the workplace.
98	Rosters	Amendments to provide: <ul style="list-style-type: none"> - that rosters shall be 28 days in duration, issued 28 days in advance. - for fixed roster arrangements - for on-call roster arrangements - Increase in change of roster allowance to 5% if 7 days or less notice is provided. - Introduction of 2.5% allowance where notice of change of roster is provided in 8-14 days. - Insertion of requirement to take reasonable efforts to replace unplanned absences in bed based services. - Insertion of requirement to mitigate against workload issues where unplanned absences occur in community mental health teams
99	Supplementary Roster	Insertion of supplementary roster requirement.

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100	Rest and Meal Breaks	Clarification of existing entitlement and inclusion of 'Crib-time' arrangement.
PART F: PUBLIC HOLIDAYS, LEAVE AND RELATED MATTERS		
101	Annual Leave	Additional week of annual leave for Part time Employees Amendments to the existing clause to: <ul style="list-style-type: none"> - clarify eligibility for the additional week of leave afforded to weekend workers – to apply from 1 July 2022 - address application process for High Demand Holiday periods - Amended process for managing excess Annual Leave
102	Personal Leave	Amendments to clarify portability of personal leave entitlement.
PART G: EDUCATION AND PROFESSIONAL DEVELOPMENT		
105	Professional Development and Associated Entitlements	Professional Development/Study Leave may be used to support State Government initiatives to improve workforce development in priority areas of nursing care. Clarification that any compulsory or mandatory training will occur within paid time and not attract a deduction in their leave entitlement. Insertion of a ten day (over 6 to 12 months) Transition Program for 550 Enrolled Nurses commencing in Mental Health.
PART H: CLASSIFICATION AND STAFFING		
107	Staffing	Amendments to provide: <ul style="list-style-type: none"> - that each Employer must employ a full-time Mental Health Director of Nursing - A Graduate Support Nurse Trial - The appointment of clinical educators in named Parent and Infant Units - Permanent appointments for Graduate Nurses and Nurses undertaking Post Graduate Studies in certain circumstances.
108	Workload Management	Amendments to provide a process for backfilling of extended leave absences
109	Undergraduate Employment Models	Amendments to provide for arrangements for the employment of RUSON, PQEN, and Nursing Indigenous Health Cadetship

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114	RPN Classifications	Amendments to modernise classification language Insertion of a Graduate Support Nurse descriptor Insertion of Mental Health Inpatient Clinical Nurse Consultant descriptor
98	PEN Classifications	Amendments to modernise classification language
99	MHO Classifications	Amendments to modernise classification language

SECTION 3: HEALTH PROFESSIONALS

Clause Title		Summary of Proposed Amendment
PART C: WAGES AND RELATED MATTERS		
119	Annual Retention Payment	Payment of a yearly allowance to permanent Employees as follows: (a) FFPPOA 1 July 2021 - \$1500 (b) FFPPOA 1 July 2022 - \$1800 (c) FFPPOA 1 July 2023 - \$2000 (d) FFPPOA 1 July 2024 - \$2000 Payment is pro rata for part timers
Schedule 2	Wage Increases	The rates of pay of Employees within the below classifications will increase over the life of the Agreement as follows: (a) From the FFPPOA 1 July 2021 – 2% (b) From the FFPPOA 1 July 2022 – 2% (c) From the FFPPOA 1 July 2023 – 2% (d) From the FFPPOA 1 July 2024 – 2%
PART D: ALLOWANCES AND REIMBURSEMENTS		
122	Higher Duties Allowance	Insertion of clarification regarding operation of clause.
125	Qualification Allowance	Amended clause to require payment of qualification allowance on leave

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126	Higher Education Recognition Allowance	A new allowance for Lived Experience Workers any qualification under the Australian Qualifications Framework (or its equivalent) as follows: (i) 4% of the allowance rate for a certificate, diploma or graduate certificate. (ii) 6.5% of the allowance rate for a post graduate diploma, degree or double degree (iii) 7.5% of the allowance rate for a Masters' degree, doctorate or PhD.
PART F: LEAVE AND PUBLIC HOLIDAYS		
125	Annual Leave	Increase of Annual Leave to 190 hours per annum (pro rata for part timers)
PART G: EDUCATION AND PROFESSIONAL DEVELOPMENT		
152	Lived Experience Workforces Supervision	A new clause that facilitates two-hours per month supervision being made to employees in Lived Experience classifications
SCHEDULE 6 – CLASSIFICATION DEFINITIONS		
1.1	Art Therapy	New definition following the introduction of Art Therapy
2.7	Lived Experience Workers	Introduction of a comprehensive structure for Lived Experience Workers. Implementation requires translation that will create additional increases for existing peer workers.

SECTION 4: HEALTH AND ALLIED SERVICES

Clause Title		Summary of Proposed Amendment
PART C: WAGES AND RELATED MATTERS		
139	Annual Retention Payment	Payment of a yearly allowance to permanent Employees as follows: (a) FFPPOA 1 July 2021 - \$1500 (b) FFPPOA 1 July 2022 - \$1800 (c) FFPPOA 1 July 2023 - \$2000 (d) FFPPOA 1 July 2024 - \$2000 Payment is pro rata for part timers.

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Schedule 2	Wage Increases	The rates of pay of Employees within the below classifications will increase over the life of the Agreement as follows: (a) From the FFPPOA 1 July 2021 – 2% (b) From the FFPPOA 1 July 2022 – 2% (c) From the FFPPOA 1 July 2023 – 2% (d) From the FFPPOA 1 July 2024 – 2%
PART E: HOURS OF WORK AND RELATED MATTERS		
170	Staffing Levels	A new clause that facilitates the rostering of one Ward Clerk on each Acute Inpatient Unit, 7 days a week

SECTION 5: MANAGEMENT & ADMINISTRATIVE WORKERS

Clause Title		Summary of Proposed Amendment
PART C: WAGES AND RELATED MATTERS		
187	Annual Retention Payment	Payment of a yearly allowance to permanent Employees as follows: (a) FFPPOA 1 July 2021 - \$1500 (b) FFPPOA 1 July 2022 - \$1800 (c) FFPPOA 1 July 2023 - \$2000 (d) FFPPOA 1 July 2024 - \$2000 Payment is pro rata for part timers
Schedule 2	Wage Increases	The rates of pay of Employees within the below classifications will increase over the life of the Agreement as follows: (a) From the FFPPOA 1 July 2021 – 2% (b) From the FFPPOA 1 July 2022 – 2% (c) From the FFPPOA 1 July 2023 – 2% (d) From the FFPPOA 1 July 2024 – 2%
SCHEDULE 6 – CLASSIFICATION DEFINITIONS		
3	Grade 1A	New definition following the introduction of Grade 1A

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