

ACT Health Agreements: Alteration of Service Hours Clause

Dear Member,

As reported in the last newsletter, the HSU held meetings of members at The Canberra Hospital and the Calvary Bruce Public Hospital in relation to the Alteration of Service Hours clause that had been proposed by the ACT Government to apply in the following agreements:

- *ACT Public Service Administrative and Related Classifications Agreement*
- *ACT Public Sector Health Professional Enterprise Agreement*
- *ACT Public Sector Nursing and Midwifery Enterprise Agreement*
- *ACT Public Sector Medical Practitioners Enterprise Agreement*
- *ACT Public Sector Support Services Enterprise Agreement*
- *ACT Public Sector Technical and Other Professional Enterprise Agreement*

The proposed clause (attached) will not impact on areas that are already rostered 24/7 and will only apply where there is a Ministerial determination and, due to a significant public health need, hours of service need to be extended. ACT Health will be required to consult with staff and unions, including the additional requirements set out in 3(a)-(g) and majority vote(s) conducted, with change only being introduced where workload, safety and personal circumstances are taken into consideration.

It does not impact on B6.6 which requires a majority vote for the introduction of a new roster, shift cycle or shift work where an extension of hours is not proposed.

The HSU members' meetings were well-attended and members supported the clause, recognising that it included many of the protections that had been negotiated by HSU representatives. Several of the Health Professional members' meetings supported the clause on the condition that the night shift penalty rate was increased.

Thank you to all of the HSU representatives who contributed to the negotiations on this clause and have improved it so significantly from the first draft received.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD

Without prejudice

Alteration of Service Hours

1. Where there is a ministerial decision that there is a public health need that requires a significant alteration of service hours necessitating the introduction of a new rostering arrangement, shift work or a new shift the head of service must first consult with employees and their representatives, including relevant unions, and seek the agreement of a majority of employees affected by the proposed change.
2. Consultation in accordance with subclause 1 will meet the requirements of section G and include consideration of the following:
 - a. the resourcing required to effectively extend the service delivery hours including identified back filling requirements,
 - b. adequate staffing levels and the impact on workloads, including consideration of work life balance, leave relief and workplace health and safety issues associated with extended hours;
 - c. current service requirements and staffing levels;
 - d. the business need for the change;
 - e. whether other options can as effectively, or more effectively, meet business needs;
 - f. whether the change can be managed through the voluntary participation of staff;
 - g. any individual request by an employee to have their personal circumstances considered including the right to refuse permanent night shifts.
3. Where, following consultation and ballot(s), majority agreement of affected employees has not been obtained, further consultation will be undertaken to determine whether changes can be made to the proposal that would secure majority agreement.
4. If, after following the **requirements** of subclauses 1 to 3, majority agreement cannot be reached, the head of service may only introduce the change if:
 - a. The change can be adequately resourced, taking into consideration:
 - i. workloads;
 - ii. the health, safety and wellbeing of affected employees;
 - iii. any individual requests from employees to have their personal circumstances considered.
 - b. the head of service has:
 - i. outlined the business need for the change;
 - ii. demonstrated that alternative options have been canvassed, but cannot as effectively meet business needs;
 - c. affected employees have been provided a minimum 6 months' notice. Such notice will be provided to employees in writing, stating the date the change will come into effect.
 - i. If there is a sufficient number of employees that agree to participate on a voluntary basis to allow for a full or partial introduction of the new arrangement taking into account backfilling requirements, or the head of service recruits additional resources that would meet the requirement for partial or full introduction of the new arrangement, the partial or full new arrangement can be introduced with less than 6 months' notice as agreed

with those employees, provided that the requirements under subclause 4(a) can be met.

5. The purpose of the process in this clause is to as far as possible seek majority agreement and to avoid the need for the introduction of the change through subclause 4. There is no limit on the number of ballots that can be conducted to seek majority agreement.
6. The notice period in accordance with subclause 4 (c) will not commence before the requirements of subclauses 4 (a) and (b) have been met.

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