

Australian Nursing and Midwifery Federation

Variation of modern awards to include a delegates' rights term

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**Australian
Nursing &
Midwifery
Federation**



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1. The Australian Nursing and Midwifery Federation (ANMF) is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 322,000 nurses, midwives and personal care workers (PWCs) across the country. Approximately 89% of the ANMF's membership are women.
2. Our members work in the public and private health, aged care, and disability sectors across a wide variety of urban, rural, and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, to fulfil their professional goals, and achieve a healthy work/life balance.
3. Our strong and growing membership and integrated role as both a trade union and professional organisation provide us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.
4. On 14 December 2023, the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* (Cth) received royal assent. Amongst the changes to the *Fair Work Act 2009* (Cth) (the Act) was a set of rights concerning the role and functions of union delegates. In particular, section 149E of the Act requires all modern awards to include a term around workplace delegates' rights. This submission is made in respect of this new legislative requirement, an opportunity welcomed by the ANMF.
5. The ANMF has viewed the submission of the Australian Council of Trade Unions (ACTU), with which the ANMF is affiliated. The ANMF is supportive of the model delegates' rights clause put forward by the ACTU as a suitable provision to be included in the *Nurses Award 2020* (Nurses Award).
6. The ANMF particularly supports the ACTU's proposal that workplace delegates should be afforded 5 days per year during paid time for the purpose of receiving training concerning their role as the standard across all modern awards. Within the nursing and midwifery professions this entitlement is commonplace, especially under the public service enterprise agreements that apply to the employment of most nurses and midwives.



7. By way of example, the following industrial instruments contain provisions around training for delegates:
 - a. 15 days/shifts per year for ACT public sector nurses and midwives;¹
 - b. 5 days per year for NT public sector nurses and midwives;²
 - c. 10 days every 2 years for SA public sector nurses and midwives;³
 - d. 5 days per year for Tasmanian public sector nurses and midwives;⁴
 - e. 5 days per year for Victorian public sector nurses and midwives;⁵
 - f. 5 days per year for WA public sector nurses and midwives.⁶

8. To the extent that the Commission may be minded to diverge on the number of days of training to be afforded to union delegates across various modern awards, the ANMF submits that 5 days should be included within the Nurses Award, given this is the prevailing standard for the profession.

¹ Clause 164.1.4 of the *ACT Public Sector Nursing and Midwifery Enterprise Agreement 2017-2019*

² Clause 15.10 of the *Northern Territory Public Sector Nurses and Midwives' 2018-2022 Enterprise Agreement*

³ Clause 7.10.5 of the *Nursing/Midwifery (South Australian Public Sector) Enterprise Agreement 2022*

⁴ Part X, clause 2.(c)(i) of the *Nurses and Midwives (Tasmanian State Service) Award*

⁵ Clause 80.9(b) of the *Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2020-2024*

⁶ Clause 71(2) of the *WA Health System – Australian Nursing Federation – Registered Nurses, Midwives, Enrolled (Mental Health) and Enrolled (Mothercraft) Nurses – Industrial Agreement 2020*