

## **PUBLIC SECTOR BILL 2022**

**Submission No:** 3  
**Submitted by:** Queensland Nurses and Midwives' Union  
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**Submitter Comments:**



# Submission to Economics and Governance Committee

*Public Sector Bill 2022*

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submission

## Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Economics and Governance Committee (the Committee) for the opportunity to provide feedback on the Public Sector Bill 2022 (the Bill).

Nursing and midwifery is the largest occupational group in Queensland Health and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all classifications of workers that make up the nursing and midwifery workforce including registered nurses (RN), registered midwives, enrolled nurses (EN) and assistants in nursing (AIN) and students who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 67,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses and midwives in Queensland are members of the QNMU. As the Queensland state branch of the Australian Nursing and Midwifery Federation, the QNMU is the peak professional body for nurses and midwives in Queensland.

The QNMU is in broad support of the Bill. However, we continue to raise matters that we have provided in previous submissions to the Queensland Government on the Public Sector Bill in May 2022 and August 2022, including:

- Permanent employment – genuine operational requirements
- Normal remuneration
- Equity and diversity

## Recommendations

The QNMU recommends the parliament pass the Bill with these amendments:

1. Remove requirement when reviewing conversion of fixed term or casual employment to have regard to genuine operational requirements.
2. Amend definition of 'normal remuneration' to include reference to previous 'usual' or 'normal' rostering patterns to determine the correct payment to an employee during a period of suspension.

### Permanent employment – 'genuine operational requirements'

The use of permanent employment as the default form of employment is the outcome sought by the QNMU. Most significantly, the status of permanent employment as the 'default' form of employment is compromised by the continued use exception of 'genuine operational requirements' in the determination of conversion requests contained at clauses 114, and 120(4).

The lived experience of many QNMU members is that 'genuine operational requirements' have solely been financial. Accordingly, it is the experience of the QNMU that 'genuine operational requirements' is used as an automatic exclusion or 'right of veto' from the requirement to convert to permanent employment solely on the basis of budget without regard for safe patient care delivered in accordance with the industrially mandated workload management tool, Business Planning Framework (BPF) (2021).

### Normal remuneration

The QNMU remains unsatisfied with the definition of 'normal remuneration' contained within the Bill. As previously submitted, the current definition can result in our members experiencing a financial detriment during a period of suspension, before any determination that a disciplinary outcome should be imposed. This is the case for our members in clinical settings who work according to a 24 hours a day, seven days a week (24/7) continuous or rotating shift pattern with a variety of penalties, loadings and allowances.

The QNMU recognises efforts made to address the situation of shift workers on suspension by aligning the definition of normal remuneration with corresponding industrial legislation. Namely this has seen the inclusion of express reference to the amount payable for ordinary hours worked including penalties, loadings and allowances. However, in order to ensure remuneration does reflect the amount an employee working a continuous or rotating 24/7 shift pattern would normally receive, the definition of normal remuneration must also include express reference to the calculation of penalties, loadings and allowances being based on 'usual' or 'normal' shift patterns. This avoids the circumstances of an employee changed to a

shift pattern less inclusive of penalty shifts immediately prior to suspension being paid accordingly to that 'new' shift pattern during the period of suspension.

### **Equity and diversity**

The QNMU supports the submissions of the Queensland Teachers Union (QTU) seeking that the LGBTIQ+ community should be a fifth target group under clause 25.

The QNMU similarly seeks the proposal in the alternative that consideration be given, during the life of the legislation, to utilise the regulation power to include a fifth diversity target group for public servants who identify as part of the LGBTIQ+ community.

### **References**

*Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018.*

Queensland Government. (2021). *Business Planning Framework: The methodology for nursing and midwifery workload management* (6<sup>th</sup> ed.).