



30 October 2017

By Email: [greenfieldsreview@employment.gov.au](mailto:greenfieldsreview@employment.gov.au)

Dear Sir/Madam

The Australian Nursing and Midwifery Federation (ANMF) welcomes the opportunity to make this brief submission to the independent *Review into Greenfield Agreements* (the Review).

ANMF is the largest industrial organisation in Australia for nurses, midwives and carers with branches in each state and territory. Our 260,000 members are employed in a wide range of settings in both the public and private health, aged and community sectors.

In 2016, there were approximately 365,000 registered nurses, midwives, enrolled nurses, and over 100,000 carers in the health and aged care workforce.

Nursing employment in the main is regulated under the Fair Work Act with the major exception being state public sector nursing (other than Victoria). All nurses and carers in the hospitals sectors and around 90% in the residential aged care sectors are covered by enterprise bargaining agreements.

While it is the case that historically Greenfield agreements have not featured significantly in the sectors in which nurses and midwives are normally employed, the ANMF believe they may become more established. We hold this view because of the expected growth and major restructuring of the residential, disability and community sectors, including the decentralisation of residential aged services from nursing homes to home care and the role out of the National Disability Insurance Scheme. Both exercises will result in the rationalisation of existing care providers and the establishment of new places of employment.

It is within this context the ANMF makes the following comments on the Review.

It is not immediately clear to our union why the negotiation and approval framework for Greenfield agreements needs to differ substantially from other agreements. While under the Fair Work Act enterprise agreements (other than Greenfield agreements) are reached between the employer and their employees, this a relatively recent feature of our industrial landscape and is not supported by ANMF. Even though unions are presently marginalised in the enterprise bargaining processes under the FWA, historically collective bargaining on behalf of members has been a principle role of all unions.

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**ANMF Journals**

**Australian Nursing and  
Midwifery Journal**  
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**Australian Journal of  
Advanced Nursing**  
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We note the *Greenfields Agreements Background Review Background paper* goes to some length in highlighting the concerns of the Business Council of Australia, Master Builders Association, AIG and others that the current regulatory arrangements may delay major capital projects. It is instructive that both the review of the Fair Work Act (FWA) in 2012 and the Productivity Commission Inquiry into Workplace Relations in 2014/15 found little evidence in support of these claims. Whether such concerns are valid or not, it is ironic that these organisations, having campaigned successfully to neuter the ability of industrial tribunals to resolve disputes, now complain of impasses in agreement making. Further, any delay an employer may experience in securing a Greenfield agreement falls well short of the years employees often have to wait to secure agreements, without any effective recourse to regulatory support to break the deadlock.

The changes to the regulatory framework for Greenfield agreements pursued by employer groups are brazen as they are clear, which is to place employers in a position where they can dictate the terms of employment at a new project and further sideline the role of unions.

ANMF supports regulation for Greenfield agreements that recognises the legitimate role of unions and requires the bargaining parties to conduct negotiations and to complete agreements on a fair basis including:

1. There is a requirement the employer notify and recognise all unions entitled to represent employees to be covered by the agreement.
2. Greenfield agreements come within a regulatory framework that has a primary object of collective bargaining in good faith.
3. That conciliation and/or arbitration of outstanding matters be available on application.
4. Where the FWC exercises arbitral powers to resolve an impasse the Tribunal must be required to have regard to prevailing employment conditions in settings of a similar scale or nature.

We trust these brief comments are of assistance and please contact ANMF Senior Federal Industrial Officer, Nick Blake on 03 9602 8500 should you wish to discuss this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lee Thomas', with a stylized, cursive script.

Lee Thomas  
Federal Secretary