



NEW SOUTH WALES NURSES AND MIDWIVES' ASSOCIATION
AUSTRALIAN NURSING AND MIDWIFERY FEDERATION NEW SOUTH WALES BRANCH



MEMBER ASSISTANCE POLICY

Endorsed October 2019

NSW Nurses and Midwives' Association
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Member Assistance Policy

The NSW Nurses and Midwives' Association (NSWNMA), in conjunction with the Australian Nursing and Midwifery Federation (ANMF) NSW Branch, is committed to working with members to provide expert advocacy, support and assistance to empower members in the workplace. Such assistance may be on a collective or individual basis.

1. TYPES OF ASSISTANCE

1.1 General enquiries

General enquiries cover a wide range of matters, for example:

- Conditions of employment in an award or agreement
- Employment rights contained in legislation or policy
- Fact finding meetings due to alleged performance or disciplinary issues
- General advice as to how workplace concerns may be addressed or escalated

This initial assistance is usually provided via phone or email. Advice is provided to members to enable them to resolve their workplace issues at the local level, via the branch (where a branch exists), wherever possible. This may include providing relevant extracts or summaries of award clauses or legislation.

1.2 Workplace issues

Workplace issues cover a wide range of matters, for example:

- Disciplinary processes
- Workplace harassment
- Return to work after parental leave or illness/injury
- Access to entitlements
- Workplace health and safety
- Job performance
- Workers compensation
- Termination of employment

More direct assistance from NSWNMA staff would usually be provided when the member(s) have been unable to resolve the workplace issue locally via the branch (where a branch exists), or via our general enquiries process, and/or the matter requires escalation and direct representation.



2. Assistance in Industrial Tribunals and Commissions

NSWNMA can in some circumstances make an application to a relevant Tribunal or Commission on behalf of a member(s) to deal with matters such as workplace disputes or an unfair dismissal. In determining whether NSWNMA may make such an application, NSWNMA will consider such factors as the outcomes which may realistically be achieved for the member(s); the industrial interests of affected members; the resources required to pursue the matter; and if a member has unreasonably in the view of the NSWNMA refused a remedy or solution to their issue which would prevent the need for a legalistic and resource intensive hearing with no better prospect of a successful outcome.

Before NSWNMA makes any application on behalf of member/s, the member/s may be requested to complete a *Statement of Terms of Representation*. This sets out the parameters of any representation.

3. Professional issues

The NSWNMA Legal Officers may provide legal assistance to members in Coronial Inquest matters, before the NSW Nursing and Midwifery Council, in Health Care Complaints Commission Inquiries and any subsequent disciplinary proceedings before the New South Wales Civil and Administrative Tribunal (NCAT).

Such support may include the preparation of witness statements and responses to complaints regarding professional obligations, registration and regulation issues.

4. Bargaining Together

The NSWNMA works with members towards achieving collective union agreements with outcomes that protect and improve members' conditions and identify and provide development and support to branch officials and member leaders during this process.

2. ISSUES PRIOR TO MEMBERSHIP

Members who are experiencing issues in their workplace which pre-date their NSWNMA membership, or whose membership had lapsed at the time the issue arose, will usually only be eligible for limited advice by phone or email. Where possible, advice will be provided as to how members can progress or seek resolution to their matter.



3. PROVISION OF DOCUMENTATION

Members have an obligation to provide sufficient information (e.g. correspondence from their employer, an external investigator or registration body) on their issue. Such supporting documentation allows NSWNMA staff to provide advice and assistance that is both timely and accurate.

It also permits early advice to be made on the prospects of a successful resolution. Where the NSWNMA is unable to provide further assistance on the matter, the member(s) will be advised of alternative options.

4. TIMELINES

Requests for assistance sent via email will usually be responded to within two working days.

For urgent matters, or where there is a meeting date or deadline approaching, members should advise the NSWNMA immediately. This will allow every effort to be made to assign the matter as quickly as possible.

5. CONDUCT

A positive collaborative approach facilitates communication between members and the NSWNMA. NSWNMA staff will treat all members with dignity and respect, likewise, NSWNMA staff expect to be treated with dignity and respect by members. Assistance for a member may be withdrawn if it is considered the member's conduct towards a NSWNMA staff member is inappropriate.

6. CONFLICTS OF INTEREST

NSWNMA members, irrespective of which employer they work for, are all entitled to industrial advice and assistance. In the event that the NSWNMA is called upon to assist multiple members regarding a single matter, if the resolution sought by the members differ, or their individual interests diverge, then separate NSWNMA staff will provide advice and assistance to each member involved, and respect each members' confidentiality.



Note: Members cannot have two representatives for the same matter with an employer. Accordingly, if you are receiving assistance from an alternative representative outside of the NSWNMA on the same issue, we would generally cease providing support or representation to you in relation to that matter. This avoids possible conflicts.

7. COMPLAINTS

The NSWNMA takes its commitment to providing expert advocacy, support and assistance to members most seriously. Where a member is dissatisfied there is a mechanism for resolving situations: Refer *NSWNMA Complaint Handling Policy*.

8. REVIEW & APPROVAL

This Policy is to be reviewed every three years or earlier where changes are required. The next review date is by October 2022. Changes to this policy must be authorised by the General Secretary.

First endorsed 1 October 2019 by the NSWNMA Council and ANMF NSW Branch Council