



Stat Report 2017/35

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The Public Sector EBA: What you need to know

As you may be aware we have a problem with the new Public Sector EBA due to a technical error by the Victorian Hospitals' Industrial Association, which means our new agreement cannot be approved.

We are absolutely livid and gutted that we have to start again after securing great outcomes in the agreement because of this minor but fatal technical error made by the Victorian Hospitals' Industrial Association.

It's particularly gutting since it's already taken 18 months to get to this point. But there is some good news.

We have secured a guarantee that the terms of settlement will not change and that therefore the draft enterprise agreement that you approved in the recent ballot will be used again without any changes.

And there will be payments made before Christmas!

Through our concerted efforts the Victorian Government has authorised hospitals and health services to pay the wage increases described in the new agreement as if it were approved and in operation, effective immediately. This means that payments will be made before Christmas.

Public hospitals and health services have been advised to pay wage increases, back pay and the lump-sum payment at the earliest date, and prior to the commencement of the Christmas holiday period. This is excellent news, and we expect that employers will be organising payment shortly.

We're working hard to resolve this problem created by the Victorian Hospitals' Industrial Association as quickly as possible with no further glitches.

But what is the technical matter holding up our agreement?

The technical error that has caused our enterprise agreement approval by the Fair Work Commission to fail has resulted from firstly, critical mistakes being made by the VHIA (representing health services), and secondly, the Fair Work Act's provisions being absurdly onerous and punitive. In effect, one employer out of 72, with one employee out of 5,575 employees covered by the agreement can bring the whole agreement down because of a technical administrative oversight.

It is clear that even though the offending employer participated in the vote, even if the one employee had voted, the vote could not have affected the ballot result one way or the other. A YES vote of 98.5% of 2,300 employees who voted could not have been compromised by this one vote.

The Fair Work Act requires that an employer must provide all employees proposed to be covered by an enterprise agreement with a Notice of Employee Representative Rights (NERR). The NERR informs staff that bargaining for a new agreement will commence and that anyone covered by the agreement has the right to be represented. The NERR must be provided at the very beginning of negotiations.

The VHIA advised all employers that were to be covered by our agreement to do this and provided them with a copy of the NERR. Most of you would have received a copy of this form from your employer earlier this year.

The issue is that not all employers distributed this notice as required by the Act. A small number of small country hospitals failed to provide this notice to their employees. It was the responsibility of the VHIA to follow this up and they failed to do so. Of the eight employers in this category, seven would have been compliant for a number of technical reasons. Only one small regional health service got it competently wrong causing the failure.

As a result, the Fair Work Commission cannot approve the application made by the VHIA to approve the agreement and we now need to repeat the formal bargaining steps (NERRs, ballot, etc) Note, that the Union and the VHIA have agreed to not raise new claims, seek to reopen old claims or attempt to vary the draft agreement that you voted on. Further, an agreed schedule of actions and timelines will see 'bargaining' completed and a vote for the 'new' agreement finalised by 15 December 2016, with an application to the FWC to approve the agreement made the same day.

The situation we are in, although absurdly wrong, is facilitated by a provision of the Fair Work Act that the Federal Parliament is currently looking to change for this reason. However, the law is the law even if it is broken. This is one more reason why we need to [Change the Rules](#), by supporting the Union movement's campaign to change the Act to make it fair and balanced.

We have asked the Victorian Government to side with Victorian health workers and not hide behind a failed piece of Commonwealth legislation, which we're pleased they have done.

We'll keep you informed about what's happening and when the new vote will be held.

If you have any questions please get in touch with us at enquiry@msav.org.au or on (03) 9623 9623.

Union assistance for Scientist Progression

One of the things that came out of the recent negotiations for the new public sector agreement was the progression of Grade 1 Year 7 scientists to Grade 2. We're proud to have secured this for members who have been stuck at Grade 1 Year 7 for many years and unable to progress to a higher grade.

We understand a number of public health services have begun work on progressing scientists on Grade 1 Year 7 to Grade 2. While there have been reports of a couple of ham-fisted efforts at initiating this work, it's certainly a good thing to see that this issue is being seriously considered by health services.

To make sure that members understand the process for progression, and what evidence will be needed in order to successfully progress to Grade 2, the Union has created a handy booklet. You'll find advice and information about what is expected, what evidence you'll need and how to get work through the process – it's an essential tool.

This is a resource we've created specifically for members and it's only available by contacting the Union at enquiry@msav.org.au

Update from the Victorian Cytology Service

If you weren't able to attend the recent members' meeting here's some information you might have missed:

Redundancies

It's important to reiterate that there is no scenario, other than obtaining a job in the new structure, which will mean that you miss out on a redundancy package. Whether you volunteer or not, if you don't have a job in the new structure, you will be paid a redundancy. Further clarification, no-one will be asked to work out a notice period. This will be paid on severance.

We know that at least 10 scientists have applied for voluntary redundancy.

Applying for jobs

It is likely that selections will be made on the basis of applications and referee comments only as most of you are very long serving employees and VCS believes it has a good understanding of your skills and attributes.

Additionally, it is not completely clear on the final mix of screening positions (G1 / G2, full-time, part-time) as VCS say that this will depend on who applies for the positions.

The Union was also advised that it is not likely that job numbers will increase in the short term nor is there much prospect of extending employment of unsuccessful applicants into the new year as screening work is drying up.

External employment

If you have a job interview externally, VCS will release you to attend and you do not need to utilise ADO or annual leave time. Additionally, if you are successful in gaining a job with a new employer, VCS advises that it will be flexible about your date of finishing.

If you need more information please contact Matt at matth@msav.org.au or on 9623 9623.

Agreement with Epworth HealthCare approved

In some good news for members, the agreement at Epworth HealthCare has finally been approved. While it's taken longer than we had originally hoped it would take to be finalised, we're very happy to see it approved and will be put into operation.

You can find a copy of it on our website or at the [Fair Work Commission site](#).

When Turnbull attacks unions, working people are the victims

The Turnbull Government wants to make the job of unions as hard as possible. Unions fight for wage increases, jobs and financial security in work and retirement for working people. When Governments attack unions all working people suffer.

The Turnbull Government is attacking unions with unfair laws and police raids.

Now they are demanding the Senate pass even more extreme laws to hand over superannuation to the banks and give even more power to the Registered Organisation Commission (the ROC) and Michaelia Cash to harass unions.

These laws are so extreme, they would never apply to banks, corporations or political parties.

Instead of fixing record low wage growth and fixing the mass casualisation of jobs the Turnbull Government is obsessed with attacking unions.

Right now, the Federal Government has five new pieces of legislation before the Parliament to make the work unions do even harder.

There's two pieces of legislation designed to give even more power to the Registered Organisations Commission. The first will give the Minister the power to close a union or ban an elected union official, the second will make it illegal for unions to set up funds and programs to protect workers' financial security, like providing redundancy payments if a company goes bust.

The other three bills will attack workers' financial security allowing the banks to get their hands on working people's superannuation.

Unions are being attacked because we stand up for workers and speak out. Our democracy is weakened when Governments attack organisations that criticise them.

And here's what we're going to do about it:

- We're fighting back. We need every worker and every community to know what is happening and how we need to change the rules for working people.
- The Turnbull government needs to immediately withdraw the bills that give the ROC more power. The Australian union movement has said from day one that the Registered Organisations Commission was a biased political agency created by the Turnbull Government to persecute workers and unions.
- The Senate must refuse to pass the Turnbull Government's bills which give the ROC even more power to launch political attacks.
- We need a truly independent corruption fighting body, like a federal ICAC that everyone is subject to – banks, businesses, political parties and unions. This body can decide the right priorities in the public interests, not political interests
- We need to stop the Turnbull Government attacking working peoples' financial security by doing the bidding of the banks and trying to pass laws that would hand over industry superannuation to the banks.

We need to build a movement to Change the Rules for working people, ask your colleagues to join at: <https://members.msav.org.au/register>

Australia says YES to Marriage Equality

After months of an intense, and what could be quite ugly, debate about marriage equality, Australians have embraced it with 61.6% of eligible voters saying YES to marriage equality. We're proud to have supported the campaign for the Yes vote.

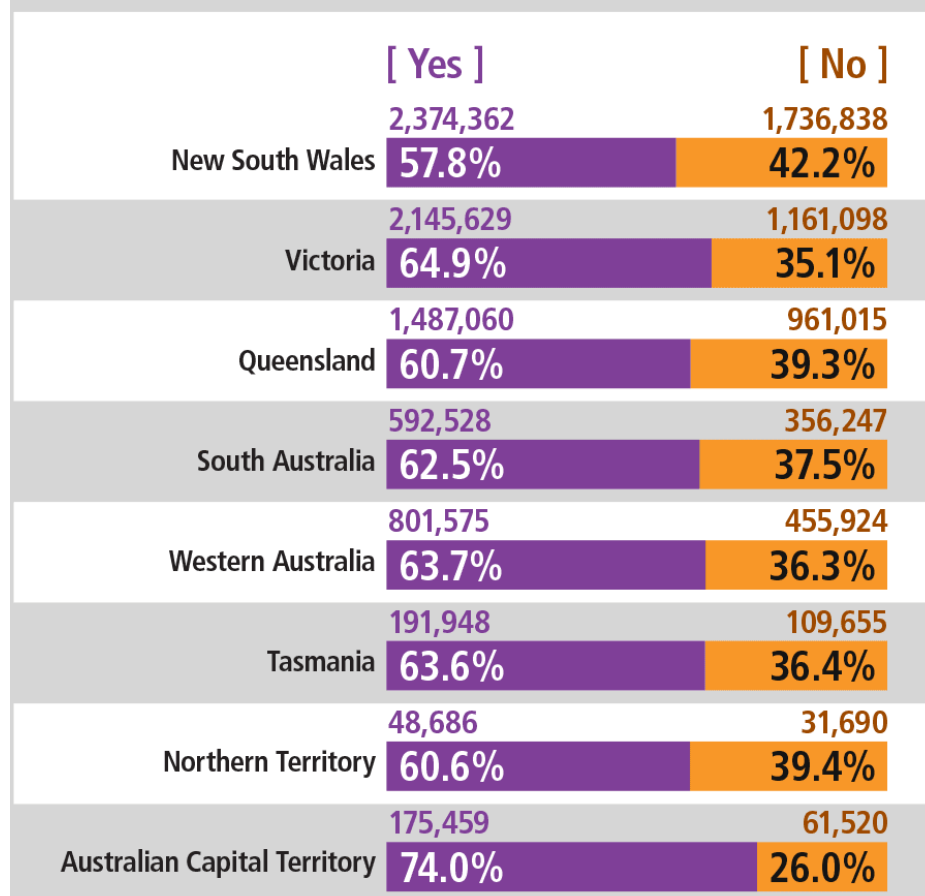
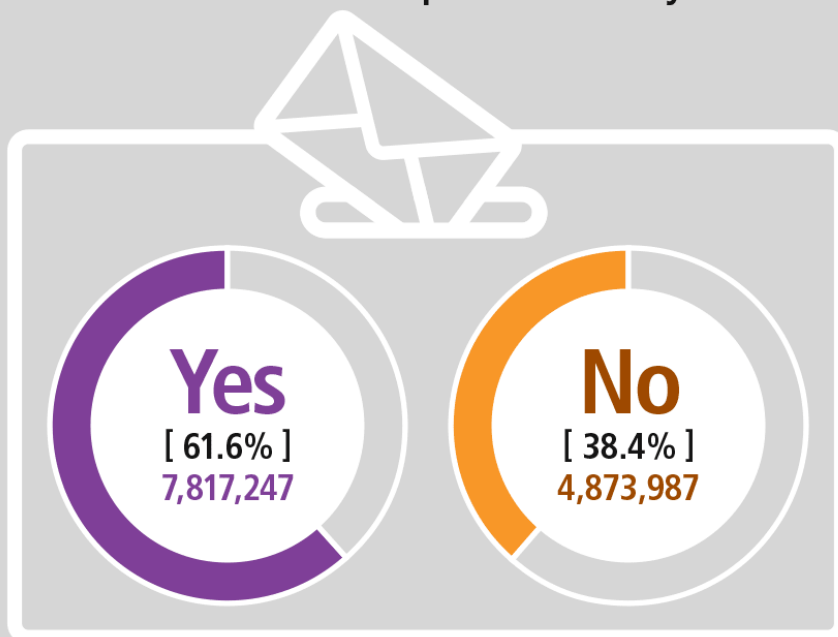
Of the eligible Australians who participated, the majority indicated that the law should be changed to allow same-sex couples to marry, with 7,817,247 (61.6%) responding Yes and 4,873,987 (38.4%) responding No. Nearly 8 out of 10 eligible Australians (79.5%) participated in the marriage equality postal survey.

It's also very encouraging that all states and territories recorded a majority Yes response with 133 of the 150 Federal Electoral Divisions recording a majority Yes response.

Now it's up to the Parliament to do what it should have always done and legislate for marriage equality. Even though we've won this stage of the fight for marriage equality, we're going to have to keep up the pressure to make sure the Turnbull Government fulfils its promise and legislates for marriage equality.

But right now let's celebrate a huge victory for marriage equality. Check out how Australia voted by state in the infographic below.

Should the law be changed to allow same-sex couples to marry?



Source: Australian Marriage Law Postal Survey, 2017



Ending violence against women – 16 days of action

The 16 Days of Activism is an international campaign dedicated to eliminating gender-based violence, in particular, the elimination of violence against women. The campaign is used to raise awareness, undertake advocacy and take action to end violence against women.

The campaign runs from the 25th November (International day for the elimination of violence against women) to the 10th December (International day for Human rights).

This year marks the 25th year of the 16 days campaign, which is now world-wide.

The challenge involves committing to undertake actions to promote gender equality and prevent violence against women during the 16 Days of Activism (25th November – 10th December). When you register, you can pick from a list of actions designed to promote gender equality and prevent violence against women, or you can add your own! You can select actions to match the level of action you are ready to take to end violence against women – you can commit to learn about violence against women, reflect on your role, educate others about the problem, or challenge gender inequality. It's up to you!

Sign up and find out what you can do at: <http://16daysactivist.whwest.org.au/actions/>

Psychologists: If you need help at work you need the VPA Inc.

If you are a psychologist and not in the VPA, you are taking unnecessary risks with your reputation and career. [Download an application form and join today.](#)

Common beaches of employment entitlements and negotiation of enterprise agreements

The VPA routinely assists members over issues such as harassment and bullying, under classification, organisational re-structuring, incorrect calculation of leave entitlements and health and safety. In addition, it negotiates enterprise agreements for psychologists in the public and private sectors to ensure that rates of pay and conditions remain up to date.

Stop the Victorian Government from selling our Land Titles Office

The Victorian Government has announced its intention to privatise Victoria's Land Titles Office. For 155 years, the Land Titles Office has tirelessly scrutinised every survey, mortgage and transaction on Victoria's four million-odd properties, perfecting this priceless public asset. This decision must be reversed.

The CPSU have a petition on Megaphone, calling on Daniel Andrews to reverse this decision.

Please sign and share the petition with your friends and family and stop the privatisation of public services.

<https://www.megaphone.org.au/petitions/stop-the-victorian-government-from-selling-our-land-titles-office>

Stopping Gendered Violence at Work

Far too often women are attacked, harassed and threatened in their workplaces. And it needs to stop. That's why the Union is fighting back against gendered violence in the workplace – it's a very serious occupational health and safety issue.

Gendered violence is like a disease in our workplaces. Working women's experience of violence

at work indicates that the problem of gendered violence is endemic in our workplaces.

Sign up to support the campaign at: <http://www.unionwomen.org.au/stopgv>

Support the Healthy Futures campaign



The Union strongly believes that climate change is union business. We know that climate change threatens our health by increasing the risks of heatwaves, bushfires, droughts and storms, displacing people and straining our health systems.

And right now HESTA and First State Super (FSS), Australia's biggest health industry super funds, are investing our money in fossil fuels - coal, oil and gas.

Join us in asking HESTA and FSS to divest from fossil fuels at www.healthyfutures.net.au/divest.

Do you need access to Domestic Violence services?

If you're experiencing domestic violence and need help, here is a list of Victorian services which may be able to assist you.

[Safe Steps \(formerly Women's Domestic Violence Crisis Service of Victoria\)](#)

[Aboriginal Family Violence Prevention and Legal Service Victoria \(FVPLS\)](#)

[Centre Against Sexual Assault \(CASA\) Forum](#)

[Community Legal Centres](#)

[Court Network](#)

[Domestic Violence Victoria](#)

[Elder Rights Advocacy \(ERA\)](#)

[Elizabeth Morgan House Aboriginal Women's Service](#)

[inTouch Multicultural Centre Against Family Violence](#)

[Men's Referral Service](#)

[No To Violence](#)

[QLife Australia](#)

[Seniors Rights Victoria \(SRV\)](#)

[The Jewish Taskforce Against Family Violence](#)

[Victoria Legal Aid \(VLA\)](#)

[Victorian Aboriginal Child Care Agency](#)

[Women with Disabilities Victoria \(WDV\)](#)

[Women's Housing Ltd](#)

[Women's Information Referral Exchange \(WIRE\)](#)

[Women's Legal Service](#)

[Women's refuges](#)

Worth Reading: Our institutions go hard after welfare cheats, but they privilege the rich

"The release of the [Paradise Papers](#) showed that very rich people don't like parting with their money – even if it's for a good cause like keeping their country running. No one is surprised that they are siphoning money to offshore tax havens, yet many blithely accept governments targeting welfare and social services as if it's those at the bottom rung of the socio-economic

ladder who are sucking us all dry.

There is a terrible irony here. We all put up with deliberately convoluted and difficult-to-navigate institutions in the hope that it will protect the coffers from welfare cheats and dole bludgers while, in practice, this obfuscation systematically privileges people with means."

Read the entire article by Erin Lennox in The Guardian at:

<https://www.theguardian.com/commentisfree/2017/nov/13/our-institutions-go-hard-after-welfare-cheats-but-they-privilege-the-rich>

Worth Reading: Australian workers gift \$130b to employers through unpaid overtime, finds report

"The Australia Institute's Centre for Future Work released the research to coincide with its annual "Go Home On Time Day" where it encourages workers not to stay back late at their workplace.

The centre's survey found the average worker was doing 5.1 hours a week in unpaid work.

"That includes everything from going in early or staying late at work, to working through breaks, working through lunch, taking work home, answering emails in the middle of the night," the centre's director Jim Stanford told ABC News.

"All the different ways that work is trickling into our everyday lives adds up to quite a bit of time.

Dr Stanford said that was half an hour more than the findings from the centre's survey last year."

Read the entire article by Michael Janda on the ABC at: <http://www.abc.net.au/news/2017-11-22/australian-workers-gift-130-billion-to-employers/9180930>

Worth Reading: 'Successful failures' – the problem with food banks

"From their inception in the early 1990s, Australian food banks were supposed to be a temporary solution to food poverty.

They have since morphed from "[emergency to industry](#)" – lauded for reducing food insecurity and helping to solve the food waste problem by diverting tonnes of produce from landfill.

It's the ultimate win-win that big food corporations and retailers love: feed the needy and save the planet at the same time. This logic has been enshrined in Canada's [National Food Waste Reduction Strategy](#) and in [European laws](#) that require supermarkets to donate surplus produce to charities."

Read the entire article by Nick Rose and Susan Booth in The Conversation at:

<https://theconversation.com/successful-failures-the-problem-with-food-banks-86546>

Worth Reading: High energy costs make vulnerable households reluctant to use air conditioning: study

"The trifecta of rising electricity prices, soaring temperatures and concerns over possible blackouts risks increasing heat-related [deaths](#) and illness this summer, as households struggle to afford to run cooling appliances.

Over the past year, our [Heatwaves, Homes & Health research project](#) has investigated the impact of electricity policy on heat-vulnerable and financially constrained households in Melbourne, Dubbo and Cairns. Many of these households live in poor quality homes that typically heat up quickly and cool down slowly.

Our findings reveal that schemes to reduce energy demand (like raising electricity prices during

heatwaves and encouraging electricity conservation to avoid blackouts) could increase health and wellbeing risks, unless they take into account housing, health and socioeconomic disadvantages."

Read the entire article by Larissa Nicholls, Halley McCann, Karyn Bosomworth and Yolande Strengers in The Conversation at: <https://theconversation.com/high-energy-costs-make-vulnerable-households-reluctant-to-use-air-conditioning-study-86624>

Worth Reading: Five common myths about palliative care and what the science really says

"We may have heard it said, and in that curiously familiar tone, something along the lines of: "They're having palliative care now." And it's almost as if the meaning of those words is so universally understood they need no further explanation. Most people simply assume they mean the person is now dying.

Yet, when a health professional suggests "palliative care" might be a useful addition to a patient's care, they most likely mean something different.

So what is it the patient actually takes from the suggestion? We asked [this question](#) of people being treated for cancer in hospital, as well as their families. We wanted to explore people's initial perceptions of palliative care when this term, or suggestion, was first raised with them in a clinical setting.

We found people held narrow, often inaccurate and outdated understandings of palliative care. Below are some of the common beliefs about palliative care, and what the science actually says."

Read the entire article by Anna Collins in The Conversation at: <https://theconversation.com/five-common-myths-about-palliative-care-and-what-the-science-really-says-82248>

Join the Union

Are your workloads increasing? Are your stress levels increasing? Are you doing longer hours at work? Join the Union for work pain relief!

To protect our professions and stand up for our rights at work we must strengthen our collective voice and strengthen our bargaining position by increasing our membership. And you can help right now by sharing one of the images below through Facebook.



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Your Union is on Facebook

Keep up to date with what's happening by liking us on Facebook

[Medical Scientists Association of Victoria](#) | [Victorian Psychologists Association Inc](#) | [Association of Hospital Pharmacists](#)



Get the most out of the Union's website

The Union's website has a number of special features for members. These features, like the Members section and the Forums, require you to have a log-in and password.

But to ensure that your privacy is protected we have created the website in such a way that you will need a separate log-in and password for the Members section and the Forums section. It might seem to be inconvenient but it does better protect you and your private information. It also means that we can be more certain about the source of a hack if such an event is ever to arise.

Australian Unions Member Benefits app

Over the last month Australian Unions launched some new and exclusive Member Benefits - did you see our recent email telling you about this? If not, check your inbox! Search for "Lifestyle Rewards" for your login code.

Our program has expanded to include:

- Discounted movie tickets for Village, Hoyts, Palace and Event cinemas.
- Discounted electronic gift cards including major theme parks, zoos and aquariums.
- A discounted accommodation booking site.
- A new secure member only website and smart phone app.

All this is free to all members of affiliated unions. If you have not got a login and would like join in [register for Member Benefits now.](#)



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