



## Stat Report 2019/04

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### Medical Scientists work to rule at Monash Health as workloads explode

Medical scientists working at Monash Health are so over-worked and burnt out that they hold grave fears for their own health and well-being and the safety of patients. Every day Monash Health breaches the Enterprise Agreement covering medical scientists by failing to backfill vacant positions and by refusing to employ enough scientists to prepare safe rosters.

Monash Health is refusing to employ an additional 28 new scientists, a number agreed by the health service following a major review of staffing levels and workloads in its pathology services. Monash Health has reneged on this agreement, which was reached through Fair Work Commission proceedings.

Instead of employing more scientists as agreed, Monash Health has walked away from its recent commitment to resolve significant OH&S issues and patient safety concerns.

Medical scientists feel they have been left with no choice other than work to rule to manage their

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workloads to a safe level. This will quickly cause significant disruptions to every clinical service provided through Monash Health.

It is not good enough for Monash Health to jointly review workloads and staffing levels, agree that there is a critical need for a significant number of additional scientists and then without any explanation walk away from its commitment to employ the scientists. This is an example of negligent management that this State Government must act on.

The Union has been warning Monash Health of the crisis facing their medical scientists and instead of employing more scientists Monash Health continues to expect scientists to do more work.

By Monash Health's data, testing levels have increased by on average around 40% and in some areas doubled, and at the same time the numbers of scientists have not increased.

Monash Health knowingly breaches our enterprise agreement every day to the detriment of the health and well-being of their medical scientists and to the detriment of patient safety. Under the provisions of the Fair Work Act a breach of the Enterprise Agreement is a civil offence.

Unless Monash Health employs at least 28 more scientists, we will be faced with the escalating risk of patients being harmed because scientists are over worked, exhausted and burnt out. This is a risk that Monash Health acknowledged in late 2018.

Starting on 14 February, medical scientists commenced a work to rule to protect their health and safety. This will cause significant disruption to accident and emergency, paediatrics, maternity, oncology, surgeries – essentially every single clinical service at Monash Health will be affected.

The Union has been researching this trend of increasing workloads, increasing unpaid work and increasing stress and health problems for years. And for years the Union has been calling out this crisis for it only to fall upon deaf ears of Monash Health and the state's public health chiefs.

The Union has to ask – will it take the deaths of patients or seriously injured scientists for Monash Health and the Andrews Labor Government to finally do something about the severe lack of scientists in pathology services?

Monash Health must end its damaging culture, which they fostered, that expects more unpaid work from fewer scientists.

The Medical Scientists Association of Victoria is calling on Monash Health and the Andrews Labor Government to immediately address this crisis by increasing medical scientists' numbers to ease the extreme workloads and ensure patient safety.

#### Send your Support

Please send your messages of support and solidarity to members at Monash Health who are taking a stand against the extreme under-staffing and workloads which are forcing our members to work to rule.

Send your messages of support to [enquiry@msav.org.au](mailto:enquiry@msav.org.au).

Paul Elliott  
Secretary

## Bargaining Update

### **Ballarat IVF**

Members will remember that the Ballarat IVF Agreement was lodged with the Fair Work Commission on 5 October 2018. Unfortunately despite several months having now past, the Fair Work Commission is still no closer to approving the agreement.

In fact we've been informed that the agreement is yet to be allocated to a Commissioner for review and approval. It's disappointing that the Commission is unable to deal with agreements

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more quickly and is failing you and the work done by Ballarat IVF and the Union to reach agreement.

We'll continue to liaise with the Commission over the agreement to make sure that it is approved as soon as possible.

### **Australian Clinical Labs**

While bargaining continues, albeit very slowly, the Union has been informed that ACL is claiming that it can unilaterally discontinue staff from working an ADO roster. This is wrong, and would be a breach of the Enterprise Agreement.

The Union raised the issue with ACL HR immediately and have been advised by the National HR Manager that ACL agrees with the MSAV's view about this EA provision, which is that ACL cannot remove current entitlement to an ADO and will withdraw any suggestion already conveyed that it can

Be aware, local ACL management are likely to now ask if you would agree to stop working an ADO roster and commence a 7 Hours 36 minutes per 20 day month. Clearly, if you want to retain your ADO roster just tell them NO.

Also, if you are asked to sign a 'new' employment contract the MSAV strongly advises you to get our advice before doing so. Bear in mind there is no obvious reason why a new employment contract would be needed for someone who is a current employee, and therefore already has an employment contract. There can be significant risks of changes to employment conditions sneakily drafted into new contracts.

If you have any questions please contact the Union on 9623 9623 or at [enquiry@msav.org.au](mailto:enquiry@msav.org.au)

### **Update on Barwon redundancies**

The Fair Work Commission conducted a second conciliation between the MSAV and ACL in relation to redundancies in the Barwon lab. The MSAV in January made an application to the FWC to deal with a dispute with ACL in relation to consultation procedures.

Yesterday we were advised by ACL that the latest number of 'departures' is 38, and of these 29 are redundancies. The balance is 9 resignations that have happened since September 2018, and include a number that have occurred during this process. Note that these figures are a 'head count', and not FTE.

Note, ACL also advised that it intends to proceed with the redundancies on 28 February and implement the full range of changes on 1 March 2019.

The following position was reached in the conference:

1. ACL will provide final information in relation to redundancies by tomorrow. They have undertaken to provide this broken down into categories of: classification/grade, time fraction and by laboratory department.
  2. ACL will provide draft rosters tomorrow.
  3. LSL accruals will be preserved.
  4. ACL will not ask that new contracts be signed, and that any changes to existing contract arrangements (particularly for part time staff) will be administered through a contract variation.
  5. ADOs will not be removed, so therefore staff that currently have an ADO roster will continue with it.
  6. ACL has agreed to urgently address any issues raised by the MSAV in relation to the following matters:
    - (i) Classification downgrades – the MSAV has not been provided with any explanation of
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- proposed down grades. We pointed out that grades relate to duties, and that if a grade 2 scientist is downgraded to grade 1 for example, there needs to be a compelling argument that the duties have changed significantly enough to justify the down grade. Please advise us for advice or support if you are faced with this change.
- (ii) Salary maintenance – ACL has agreed that the salary maintenance provisions in the EA will be applied to anyone who loses income through a downgrade. Please advise asap if you have not been offered this.
  - (iii) Part time employees – if you are being asked (or told) to accept reduced contract minimum hours, and you don't want a reduction let us know. Also, if you are being told your roster will change and you don't want the change, likewise let the MSAV know asap.

### **Dorevitch**

In the week before Christmas the Union reported that Dorevitch had made a late wages offer which the MSAV indicated was acceptable in principle. It was agreed we would proceed, as quickly as possible, to finalise the drafting of a new agreement.

We have been meeting with Dorevitch since shortly after Christmas to do the drafting work. This has been slower and more frustrating than expected, with a number of meetings cancelled by Dorevitch.

The MSAV will propose an agreed operative date for the first increase. Whilst there may be legitimate reasons for the cancelled meetings, this doesn't mean that members should have to bear the cost of the delay.

If you have any questions please contact the Union on 9623 9623 or at [enquiry@msav.org.au](mailto:enquiry@msav.org.au)

## **EMR roll out and Leave at Monash Health**

The Union attended a briefing on the EMR Rollout at Monash Health.

We have received many enquiries regarding the taking of annual leave after emails and text messages specifying that during the "coordinated leave period" annual leave will be kept to leave already approved or if there are extenuating circumstances. The periods referred to by Monash's communications are –

*Co-ordinated leave periods for all clinical employees will apply across the following dates:*

*Dandenong site: 8 April – 16 June 2019*

*All other sites: 13 May – 31 August 2019*

We have advised management that requests for annual leave cannot be unreasonably refused and should be coordinated in the usual manner. Training is a regular activity undertaken by most employers and is to be scheduled around leave and as we understand it training for EMR will be ongoing.

It is unreasonable for an employer to impose a restriction across 3.5 months of the year

If you wish to take leave during EMR we advise you to submit your forms for approval in the normal manner and if leave is not approved please ask your manager to provide reasons so that reasonability can be assessed.

You do not need to have an extenuating circumstance to access an entitlement.

If you require further advice please contact the Union on 9623 9623 or at [enquiry@msav.org.au](mailto:enquiry@msav.org.au)

## **Productivity Commission inquiry into Mental Health**

The Productivity Commission is undertaking an inquiry to examine the effectiveness of the spending on mental health. Make sure you have your say and make a submission or you can make a comment. The deadline for initial submissions is 5 April.

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You can find the terms of reference and how to make a submission at:  
<https://www.pc.gov.au/inquiries/current/mental-health>



## Union Women's Conference 2019

Women have an essential and crucial role in our economy and society in both paid and unpaid work.

A recent ACTU survey tells us that 85% of workers have or have had significant caring and parenting responsibilities for children and family members, BUT our workplace laws and workplace culture don't allow them to juggle the demands of work and life.

We know that this work-life collision largely affects women. Women bear the majority of the load in parenting/caring, meaning women face disproportionate levels of job insecurity, casualisation when they take the time to care. The system is rigged against working women.

Is it time for women to strike?

At this one-day conference participants will workshop with union, legal and campaign experts on whether a union women's strike is achievable, what it would look like and how we can make it happen.

The keynote speaker for the conference will be Michelle O'Neil, new ACTU President.

### **Conference Details**

5 March at 9am to 4pm

CFMMEU Building – 540 Elizabeth St, Melbourne

Registrations are now open for the Women's Union Conference so save your spot at  
<https://www.unionwomen.org.au/conference19>

## The Zelda D'Aprano Activist Award

Each year the Victorian Union movement recognises and reflects on the activism of unionist Zelda D'Aprano, whose courage, determination and no holds barred direct action changed history for working women in Australia.

**Know a union woman who is making change through activism? Nominate them for the Zelda D'Aprano Activist Award! Nominations close on 29 March.**

You can find all the details and how to nominate at: <https://www.unionwomen.org.au/zelda-award19>

## 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**

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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.

## 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](http://www.healthyfutures.net.au/divest).**

## 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>

## 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 \(WDV\)](#)

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[Women's Housing Ltd](#)

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

[Women's Legal Service](#)

[Women's refuges](#)

## Worth Reading: Landmark Rocky Hill ruling could pave the way for more courts to choose climate over coal

"On Friday, Chief Judge Brian Preston of the New South Wales Land and Environment Court handed down a [landmark judgement](#) confirming a decision to refuse a new open-cut coal mine near Gloucester in the Hunter Valley. The proposed Rocky Hill mine's contribution to climate change was one of the key reasons cited for refusing the application.

The decision has prompted [celebration among environmentalists](#), for whom climate-based litigation has long been an [uphill battle](#).

Defeating a mining proposal on climate grounds involves clearing several high hurdles. Generally speaking, the court must be convinced not only that the proposed mine would contribute to climate change, but also that this issue is relevant under the applicable law."

Read the entire article by Justine Bell-James in The Conversation at:

<https://theconversation.com/landmark-rocky-hill-ruling-could-pave-the-way-for-more-courts-to-choose-climate-over-coal-111533>

## Join the Union

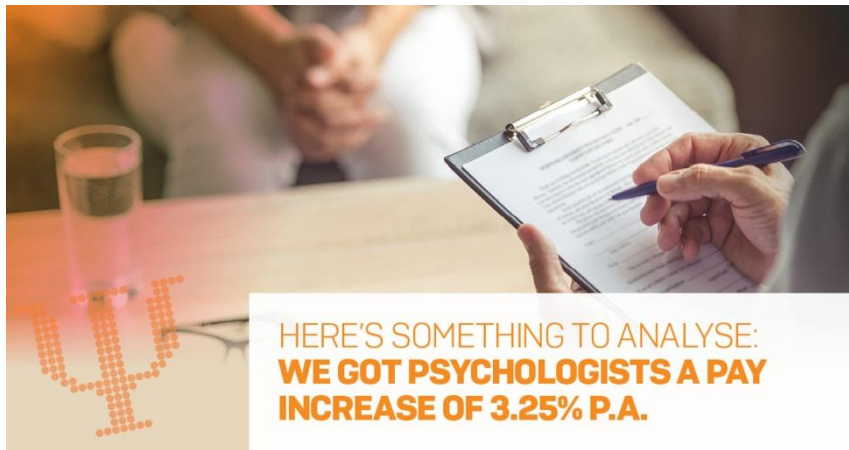
**Are your workloads increasing? Are your stress levels increasing? Are you doing longer hours at work? Join the Union today!**

To protect our professions and stand up for our rights at work we must strengthen our collective voice by increasing our membership. You can help by sharing one of the images below on Facebook.



[Share on Facebook](#)

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HERE'S SOMETHING TO ANALYSE:  
**WE GOT PSYCHOLOGISTS A PAY  
INCREASE OF 3.25% P.A.**

[Share on Facebook](#)



WE WON PHARMACISTS AN EASY  
TO SWALLOW **3.25% PER YEAR  
PAY INCREASE.**

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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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Is there a copy of STAT Report on your Union noticeboard or in your staff room?

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