



Stat Report 2021/03

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Morrison's IR Bill breaks promise; leaves workers much worse off

The Morrison Government continues releasing details about its industrial relations agenda; and it's nothing like what it promised Australians.

Instead of it making sure workers were not going to be worse off, which the Morrison Government promised, the Bill seeks to hand extraordinary power over your employment to your employers. Instead of sitting down with Australia's union movement and workers, Morrison has listened to employers and vested interests to water down your rights at work. There is nothing in the legislation that strengthens the rights workers have or improves the likelihood of increasing your pay and/or improving your conditions at work. The Bill fails the Government's own test that workers won't be worse off because these changes will make it easier for employers to leave workers worse off. Ensuring workers weren't going to be worse off because of any changes to our IR system was agreed up front in the IR discussions between unions, the government and employers.

The Government's changes will make jobs less secure by making it easier for employers to casualise permanent jobs and allow employers to pay workers less than the award safety net. This is the opposite of what the country needs. The pandemic has seen almost a million Australians unemployed and 1.4 million are underemployed; many have exhausted all their sick leave, annual leave and long service leave; and 3.3 million people have raided their super account. Australians continue suffering significantly from the pandemic, not just in lives disrupted and our social and cultural norms being turned upside-down, but with uncertainty about their employment and even greater uncertainty about how we can keep a roof over our heads and ensure the bills are paid.

Australian workers have already shown enormous flexibility. For decades we've been told about how flexibility benefits workers, but the truth is that it has only ever favoured employers. These changes won't deal with the fact that wages are not keeping up with the cost of living. It won't protect insecure workers that need to work multiple casual or part-time jobs to just pay the rent or mortgage and keep food on the table. The proposed changes won't deal with the ongoing revelations of the depth of wage theft in Australia and how widespread it is across a large range of industries and professions. Morrison's changes won't help create secure work,

something that is sorely needed and an issue we know has contributed to the ongoing outbreaks of COVID-19. They will not deal with the changing nature and challenges of the modern-day workplace.

How much more do workers have to sacrifice before we're given a fair go? Morrison's bluster about protecting Australian jobs and workers is all hot air with no substance and certainly no truth to it.

The Morrison Government's proposed legislative change has emboldened employers in every sector, including health sector employers who continue to seek ways of undermining your rights at work and to make changes that will prove to be detrimental to your health and safety at work.

The proposed changes will also lead to worse outcomes for patients as people who are already overworked, get overwhelmed. We know people are looking to leave the sector because employers refuse to show respect or value their workforce. We've seen healthcare employers looking to make changes that will exacerbate huge workloads and reduce staffing; a direct contradiction to everything that we know about the need to expand the size of the health workforce in a range of areas; and especially our disciplines.

We will continue to fight back against the changes being proposed by the Morrison Government – [you can add your name to the fight here](#) – and we will fiercely push back to protect your rights at work as health employers actively look to undermine your hard-won workplace rights and conditions.

If you need *any* workplace advice, assistance or representation please contact us by email at enquiry@msav.org.au Our team continues providing advice, assistance and representation for members while they work from home. Should you need to contact a staff directly, you can find the relevant contact details for our staff [on our website](#).

The start of the new year has certainly been busy, however we're up to the challenges as we work with you to ensure you're valued and respected; and your rights at work are protected.

In solidarity
Paul Elliott
Secretary



Positions not backfilled? Let us know

Union Round Up

COVID-19 Advice

Being told to get a medical certificate:

Members have been reporting that they are being asked to provide medical certificates to prove they don't have COVID-19. There is no industrial, legal, medical or logical basis for your employer to make this demand; and they cannot direct you to have a consultation with your, or the employers', health practitioner.

If you are asked to get a medical certificate to prove you are free of COVID-19 refuse and please contact the Union as soon as possible on 9623 9623 or at enquiry@msav.org.au

Workplace Health and Safety:

It is first and foremost the responsibility of your health service to provide you with a safe and healthy workplace, which includes:

- properly and responsibly staffing to appropriate levels
- managing workloads when service demands surge
- providing personal protective equipment
- enforcing social distancing requirements

It is also your employer's responsibility to provide you with information about how your health service is responding and how they are going to keep your workplace safe and healthy.

Your legal right to refuse to work in unsafe or dangerous circumstances remains unchanged. We advise members to exercise this right if you are in any danger, or being asked to work in circumstances that you feel are unsafe, and contact us immediately.

Annual leave rights:

According to clause 60.3 of the public sector agreement, annual leave can only be taken by "mutual agreement". The public sector agreement does not contain a provision concerning excess annual leave and your employer cannot direct you to take annual leave.

Carer's Leave and Flexible Working Arrangements

The last 3 months have presented a number of challenges, particularly for parents and carer's. With temporary rosters returning in some hospitals and children returning to schools, this advice is designed to clarify members entitlements to carer's leave, and provide guidance when trying to balancing caring responsibilities and work.

When can I access carer's leave?

You are entitled to paid carer's leave to provide care or support to a member of your immediate family, or a member of your household, in certain circumstances. These circumstances include:

- When a member of your family requires care or has an illness or personal injury; or,
- Because of an unexpected emergency affecting your family member.

If you need to provide care for someone, the amount of leave you can take is only limited by the amount of paid personal/carer's leave you have accrued, noting that paid carer's leave comes out of the same balance as your sick leave.

This entitlement is found in each of our enterprise agreements, and now the National Employment Standards.

For example: If your children's school closes because of a COVID-19 outbreak, and you are unexpectedly required to provide them care, we consider you are entitled to access paid carer's leave for this time.

What about flexible working arrangements? What are they, and how can I request one?

A flexible working arrangement is a temporary change to your hours, pattern of work, or location of work, which provides you increased workplace flexibility to help accommodate other challenges; such as, balancing caring responsibilities. A flexible working arrangement is temporary, and does not change your substantive contract of employment.

If you have worked for your employer for at least 12 months, you have the right to request a flexible working arrangement if you fall into one of the below categories, including:

- A parent, or, has responsibility for the care of a child who is of school age or younger (including grandparents);
- A carer;
- An employee with a disability;
- An employee who is 55 or older;
- You are experiencing family and domestic violence, or supporting someone experiencing family and domestic violence.

If you make a request (which needs to be in writing), your employer must genuinely consider the request and can only refuse it on reasonable business grounds. This means they must genuinely explore your proposal, and evidence how the business has tried to accommodate what you've asked for.

If your request is refused, the employer must respond to you within 21 days providing reasons for the refusal.

If you require support accessing carer's leave or a flexible working arrangement, please contact the Union at enquiry@msav.org.au

Statutory Declarations and Leave

It has come to the Union's attention that it has become increasingly more difficult to get a statutory declaration signed as the pandemic unfolds. If you are experiencing problems with getting your statutory declaration signed with regard to sick leave, the Union advises you to submit your unsigned declaration and sort out the issue of a signature at a later point.

Caring for children, working from home and workplace discrimination

We know many of our members are facing challenges balancing work and caring for children. Over the last several months, we have received numerous calls for support negotiating working from home requests and carer's leave applicants. As a union, we have already put a number of organisations including community health, public hospitals and private pathology on notice for discriminating against members, including taking applications to the Fair Work Commission and VCAT for breaches of employee rights.

With the next round of COVID restrictions particularly impacting working parents, this is an important time to understand your workplace rights and entitlements as working parents and carers.

Q: Can I be discriminated against because I am a parent or carer?

No. Your employer has a duty not to discriminate against employees in the workplace. Implementing a requirement, condition or practice which discriminates against parents or carer's is in contravention of s 18 of the *Equal Opportunity Act 2010* (Vic). It is also discrimination not to accommodate responsibilities of a parent or carer, which employers must not unreasonably refuse in accordance with s 19 of the EO Act.

For example, one employer advised workers that all staff who are providing care to children at home were not eligible to negotiate a working from home arrangement during the next round of COVID restrictions. This is an example of direct discrimination against parents/carers in contravention of the EO Act.

Q: My position is one which can be performed at home. Is my employer required to support me working from home?

Yes. The current Workplace Directions effective 5 August 2020 from the Victorian Government, requires that: *'An employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.'*

We recognise many of our members will not be able to perform their positions from home. However, if you can work from home, your employer must support you to do so. For our working parents, the Department's employment guidance note helpfully encourages workplaces to explore opportunities to work from home where available.

Separately, s 65 of the *Fair Work Act 2009* (Cth) provides parents and carers the right to request a flexible working arrangement, such as working from home, in order to balance care responsibilities and work commitments. Request can only be refused on *reasonable* business grounds. And there are similar entitlements in many of our enterprise agreements negotiated by the union.

Q: My position cannot be performed at home. Can I access carer's leave to support my children?

Carer's leave is available to all part-time and full-time workers required to provide care to a member of their immediate family, or a member of their household, who is unwell or in an unexpected emergency.

We understand the majority of our members will be able to access school or kinder as permitted workers. However, if your child has special or particular needs and as a result it is not appropriate from them to attend school at this time, we consider that the pandemic is an unexpected emergency and you are entitled to access carer's leave to provide care to your children if required.

Alfred Pharmacy refusing to return pre-COVID rosters

Alfred Health advised us that they had consulted with Pharmacists, and that Pharmacists had requested changes be made to rosters. Members at the Alfred do not feel that they were consulted that these proposed changes, and they do not feel that they asked for these changes to be made.

The Alfred made undertakings to Pharmacists that the COVID roster would be temporary, and the pre-COVID roster would be returned when ICU bed capacity was returned.

All members have worked incredibly hard this year, and the Union has negotiated in good faith with all health services to meet the challenges this year has thrown our way. Members at the Alfred are now calling on the Alfred to make good on their promise to return the pre-COVID roster immediately.

For more information please contact Lisa at lisaa@msav.org.au

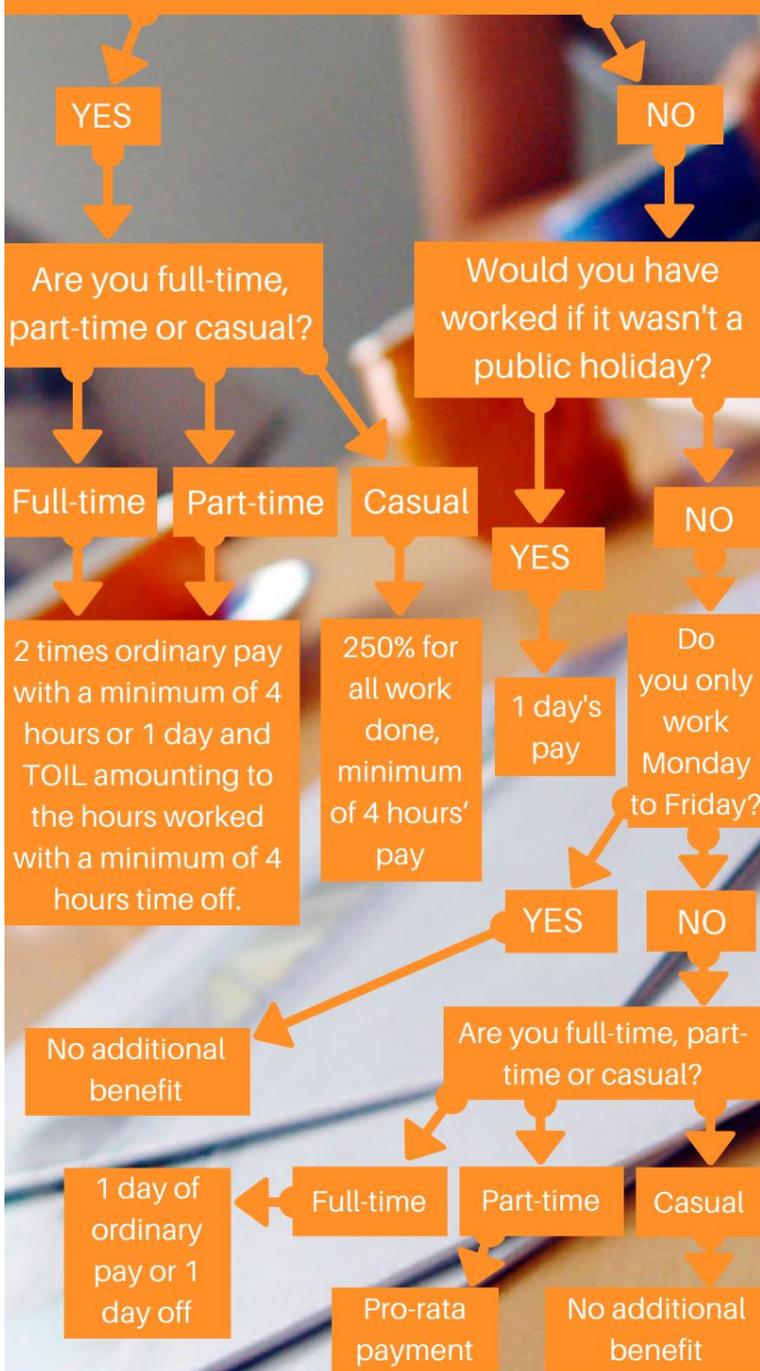
Public Holiday Pay

There's been some public holidays so it's important to know if you've been properly paid for the public holidays.

To make sure you know what your entitlements are and whether you've been properly paid, use the flowchart below. The flow chart applies mostly to public sector members so if you have any questions about your public holiday pay and you work in the community or private sectors, please contact the Union at enquiry@msav.org.au

Public Holiday 2021 Payments

Did you work that day?



Applications for the WELA 2021 leadership development program are open until 15 February.

Designed by and for women actively working for and committed to our environment and climate action, the program brings together 20 women a year for an intensive online and retreat-based leadership development program.

WELA aims to address the ways in which women's crucial leadership can transform our response to the environmental and climate crises that we face. WELA empowers women to identify their own approach to leadership, and to recognise and step into their power to influence.

You'll find all the information you need on their [website](#) including retreat dates, program fees and scholarship information, testimonials from previous participants, and the application form.

You can get more information by contacting the WELA team at info@wela.org.au

Test Isolation Payment

The Premier announced that the Test Isolation Payment will be increased from \$300 to \$450 to make sure that no one is forced to choose between providing for their family and doing the right thing in getting tested and staying home.

<https://www.dhhs.vic.gov.au/employee-isolation-payment-covid-19>

This information is accessible along with other important information in a number of languages.

- <https://www.dhhs.vic.gov.au/coronavirus/arabic>
- <https://www.dhhs.vic.gov.au/coronavirus/chinese>
- <https://www.dhhs.vic.gov.au/coronavirus/dari>
- <https://www.dhhs.vic.gov.au/coronavirus/farsi>
- <https://www.dhhs.vic.gov.au/coronavirus/hindi>
- <https://www.dhhs.vic.gov.au/coronavirus/khmer>
- <https://www.dhhs.vic.gov.au/coronavirus/punjabi>
- <https://www.dhhs.vic.gov.au/coronavirus/vietnamese>

Contacting the Union

The Union's staff are working from home and will continue to do so for the foreseeable future.

Our enquiry email is the best place to start with queries you may have. It is constantly monitored with your queries being directed to the best person to provide you advice and assistance.

We continue to offer representation, support and advice to members by ensuring our staff are able to continue working doing most of the things we do normally through telephone and video conferencing, and of course phone and email contact.

For industrial advice and assistance:

Paul Elliott | paule@msav.org.au | 0418 543 682
Rosemary Kelly | rosemaryk@msav.org.au
Matt Hammond | matth@msav.org.au | 0418 149 261
Heidi Brown | heidib@msav.org.au
Lisa Alcock | lisaa@msav.org.au

For membership related enquiries please contact Anastasia at anastasiap@msav.org.au

If you find yourself in an urgent situation, for example where your employment is being threatened or you have been stood down, please ring on 0418 543 682

Please rest assured the Union is continuing to work closely with the Government and Health Services to represent you and to make sure your rights at work are protected while you and your colleagues work to address this major health issue.



Membership Issues – Experiencing hardship?

Non-Members

For non-Union members who work in workplaces across our coverage; **we will give advice immediately over the phone if they join.**

In the spirit of supporting health workers through this unprecedented time we hope you might have a quiet word to colleagues who are not members, and suggest that there has never been a more important time to join a Union. Let them know that it is as simple as going to our website and [clicking on the 'JOIN' link](#).

Members

If you are in the unfortunate position of being stood down or forced on to unpaid leave, [contact us to move your membership payments to a 'non-working' subscription rate of \\$8.26 per month](#).

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.

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.

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 \(WDV\)](#)

[Women's Housing Ltd](#)

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

[Women's Legal Service](#)

[Women's refuges](#)

Worth Reading: 'I can't save money for potential emergencies': COVID lockdowns drove older Australians into energy poverty

"Many of us who endured lockdowns in Australia are familiar with the surge in energy bills at home. But for older Australians who depend on the Age Pension for income, lockdowns drove many deeper into "energy poverty". Some faced up to 50% higher bills than in 2019, as a result of COVID.

Energy poverty involves low-income households restricting their energy consumption by avoiding certain activities like showering, spending high proportions of their income on energy and, sometimes, being unable to pay bills.

A 2015 report from the Brotherhood of St Laurence found an estimated 28% of Australian households experience energy poverty on at least one measure. A third of this was made up of older households (headed by someone aged 65 or older) on the measure of income versus energy spending.

For our ongoing qualitative research, we interviewed 22 older (65 plus) low-income Australians in NSW and Victoria and analysed their bills, before and during COVID lockdowns. They present a heartbreaking picture of energy poverty and the loneliness that comes with it. It remains a neglected consequence of the pandemic."

Read the entire article by Sara Wilkinson in The Conversation at: <https://theconversation.com/i-cant-save-money-for-potential-emergencies-covid-lockdowns-drove-older-australians-into-energy-poverty-153096>

Worth Reading: We analysed almost 500,000 police reports of domestic violence. Mental health was an issue

"Rare access to almost half a million police reports of domestic violence has revealed a hidden picture of mental health issues in perpetrators and victims.

This is academics' first attempt in the world to use computers to mine the text of so many police reports. These would otherwise have taken humans years to read and analyse.

As part of our recently published research, we discovered many more mentions of mental health issues in these police reports than expected.

We have already used those data to identify lesser-known groups vulnerable to domestic violence, including people with autism spectrum disorder and in yet-to-be-published research, people in nursing homes. But our findings could also have other implications for public health, victims, perpetrators and policing."

Read the entire article by George Karystianis and Tony Butler in The Conversation at: <https://theconversation.com/we-analysed-almost-500-000-police-reports-of-domestic-violence-mental-health-was-an-issue-153649>

Worth Reading: More than half of funding for the major parties remains secret — and this is how they want it

"Political parties in Australia collectively received \$168 million in donations for the financial year 2019-20. Today, Australians finally get to see where some of the money came from with the release of data from the Australian Electoral Commission.

While the big donors will make the headlines, they are only the tip of the iceberg. More than half of the funding for political parties remains hidden from public view. And that is exactly how the major parties want it."

Read the entire article by Kate Griffins, Danielle Wood and Tom Crowley in The Conversation at: <https://theconversation.com/more-than-half-of-funding-for-the-major-parties-remains-secret-and-this-is-how-they-want-it-154364>

Join the Union

Are your workloads increasing? Are your stress levels increasing? Join the Union today!

To protect our professions 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](#)



[Share on Facebook](#)



[Share on Facebook](#)

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](#)

Australian Unions Member Benefits app

As a Union member you get access to exclusive Member Benefits. The 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 – that means you! If you have not got a login and would like join in [register for Member Benefits now.](#)



Share STAT Report

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

If not print out a copy and leave it on the noticeboard or in the staff room for your colleagues.