



Stat Report 2021/06

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Public Sector negotiations bearing fruit; worst of Morrison's anti-worker Bill defeated

The Union has been kept very busy with a range of issues keeping our team on their toes.

Negotiations with public sector employers for a new agreement continue through many meetings, including lengthy sessions of facilitation conducted by an ex Senior Deputy President of the Fair Work Commission. Hardly a day goes by without us being at the negotiating table.

I can report that we have made significant progress on a number of our key claims on pay and conditions. We are also very happy to let members know that we continue to make progress on a large range of our other claims that will help make sure that you're valued and respected in our public health sector.

In particular, we are continuing to negotiate staffing and workload claims to increase numbers of staff across all our disciplines, including ratios for pharmacists, and to address the acute workload problems that have been growing over the past decade.

The need to improve our workload clause has been highlighted by a recent case of a pharmacist who was stood down following allegations of errors in administering a medicine. Our member was stood down, facing threatened termination of employment, despite the fact they had worked the entire week while facing an impossibly high workload, in significant part caused by the employer's failure to backfill a number of absences as required by the Agreement. This case illustrates the Union's worst fears that if something happens in high workload and high pressure workplace the employer will act punitively against our members rather than

accepting responsibility for a work environment that has in many instances become untenable. Instead of ensuring there are enough staff to handle workloads and keep patients safe, public hospitals keep piling more and more work on existing staff and expect everything to be done and done safely.

An appalling back story to the above case is that no action was taken in relation to two doctors who prescribed the incorrect dosage for the medicine that our member prescribed.

Whilst we are frustrated that we haven't been able to reach agreement on our claims after nearly 8 months and around 50 meetings, we are resolved to press as hard as we can to ensure we have a great new public sector agreement that gives members more respect and shows you're valued.

In the next couple of weeks, we will lock in dates and times to meet with public sector members to provide a report back on our negotiations and what happens next. We urge members to keep an eye out for notice of meetings. At this point in time, we are likely to continue to meet using platforms like Zoom given the standing restrictions in place for hospitals and health care settings.

For some members it may seem that we spend a great deal of time on Public Sector agreement negotiations; and it's true we do. However, we work hard on the full range of issues that members ask for support with across all of areas of coverage outside public sector health.

Speaking of which, we want to congratulate members at Australian Clinical Labs for their new agreement. There have been some important improvements which you deserve. If you have any questions about it, please contact Matt Hammond at matth@msav.org.au

It's vital that you keep raising issues with us so that we can get on top of them as quickly as possible. Make sure you report issues to enquiry@msav.org.au

Also, a quick reminder to pharmacists that continuing your membership means you will continue to have access to our expert advice and to Pharmacy Board approved professional indemnity insurance. Too many hospital pharmacists are not members of the Union, so it's a great time to remind your colleagues about the benefits of joining the AHP.

8th March was International Women's Day. The Union has a long, proud history of supporting women and women in unions. We also celebrated the International Day of Women and Girls in Science in that week. This is another important day to celebrate which recognises the significant contribution women make to the world of science. Because women choose to challenge the world, they have made and are making an indelible and remarkable contribution to our health and well-being. It has, more-often-than-not, been women on the frontline and at the forefront of combatting the COVID-19 pandemic; for that we are eternally grateful.

In other news, Australian workers and unions were successful in stopping many of the worst aspects of the Morrison Government's anti-worker "Omnibus Bill" from becoming law. Of the five key elements of the dangerous and extreme Bill, only one element was passed. The one element that passed includes a new, worse, definition of casual employment, and reduced liability for employers who deliberately misclassify casual workers. It will give employers even more power to designate a worker as a "casual", with fewer rights than permanent employees, even if the work performed is regular and permanent.

Scott Morrison signalled his government is unlikely to pursue the defeated provisions, but we will have to be vigilant since the Coalition continues to entertain anti-worker and anti-union policies; it's part of their DNA. The amended bill passed the Senate last week, with One Nation and Centre Alliance's Stirling Griff voting for the Morrison Government's attack on working people and this week the amended bill was passed by the House of Representatives.

Finally, we are on track to have our staff back in the office after Easter, but our team continues providing advice, assistance and representation for members. If you need to contact a staff member directly, you can find the relevant contact details [on our website](#).

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.

Cyber incident at Eastern Health

The Union has been informed by Eastern Health that they've experienced a cyber incident and many of their IT systems, including email, have been taken offline.

Many Category 2 and 3 surgeries have been postponed while Category 1 surgeries are going ahead.

We don't know what this means for people who elected to participate in the touch on Kronos system and their data / biometrics or other data.

Please contact Heidi if you believe your privacy has been breached at heidib@msav.org.au

COVID-19 Vaccine Rollout

As you will know the COVID-19 vaccine is now being rolled out across the country and here in Victoria. There are multiple phases to the rollout with members likely to be offered the vaccine in Phases 1a and 1b, with Phase 1b now open.

The Union strongly supports members receiving the vaccine when it's your turn; after all we support science and the science that's behind the vaccine. You should know that taking the vaccine is not compulsory and your employer cannot force you to take the vaccine.

If you have any queries regarding the vaccine rollout and how it may impact you, please contact the Union at enquiry@msav.org.au

More information about the vaccine rollout:

<https://www.coronavirus.vic.gov.au/vaccine>

<https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/getting-vaccinated-for-covid-19/when-will-i-get-a-covid-19-vaccine>

<https://covid-vaccine.healthdirect.gov.au/eligibility>

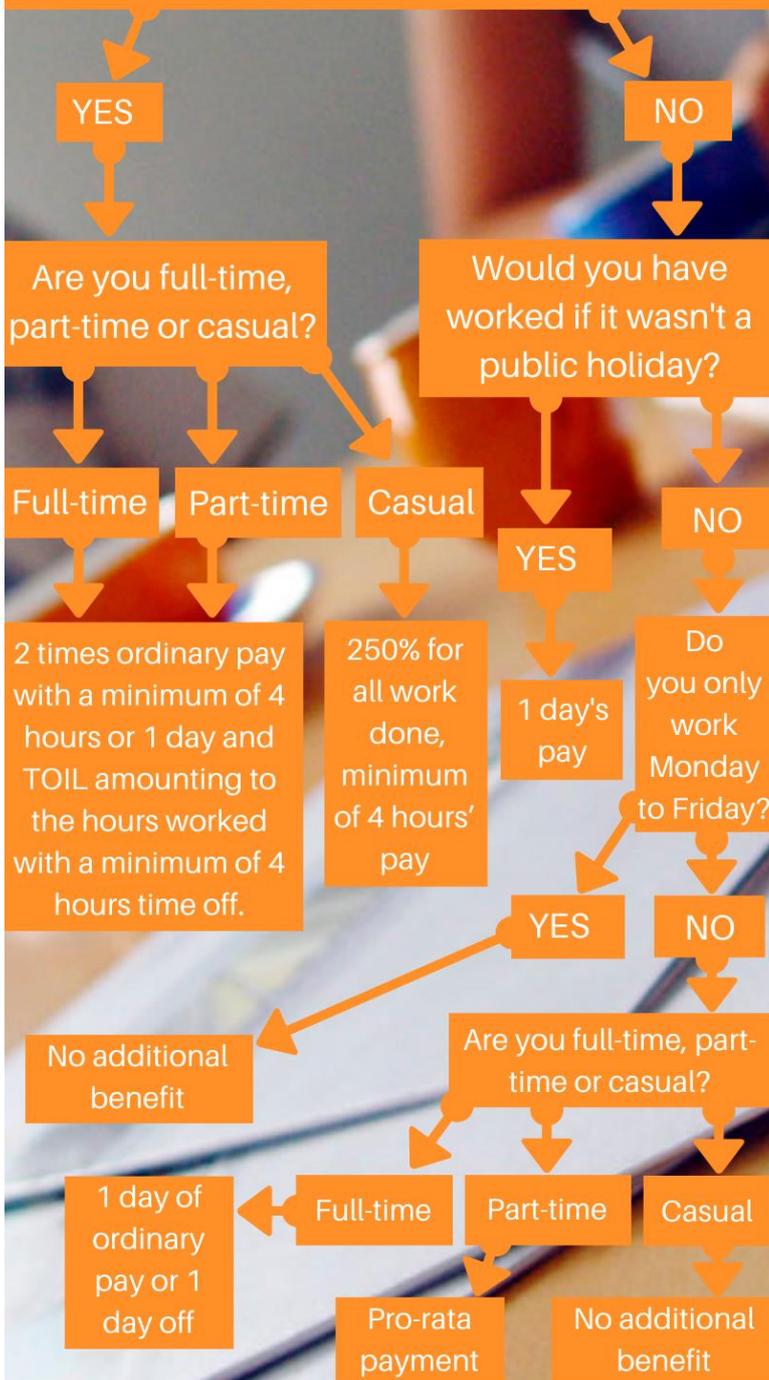
Public Holiday Pay

8th March was Labour Day, International Women's Day and a public holiday, which means you need to know what your public holiday pay entitlements. Use the flowchart below to make sure you know what your entitlements are and whether you've been properly paid.

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 on 9623 9623 or at enquiry@msav.org.au

Public Holiday 2021 Payments

Did you work that day?



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

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 while our staff are largely still working from home.

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

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: The death of coal-fired power is inevitable — yet the government still has no plan to help its workforce

"Yallourn power station — Australia's oldest, dirtiest coal plant — will close four years ahead of schedule in 2028. Announcing the move this week, operator Energy Australia said it will build a giant energy storage battery on the site to make room for more renewables. This is a powerful statement about where our energy system is heading.

Yallourn has operated for 47 years burning brown coal. It supplies one-fifth of Victoria's energy and employs 500 permanent workers and hundreds more contractors. It's also responsible for 13% of Victoria's emissions.

In response to the announcement, federal Energy Minister Angus Taylor said:

Our thoughts are with the workers, their families and local business owners who rely on the power station for their livelihoods.

So what, exactly, is the the federal government doing to help the 10,000 domestic coal workers set to lose their jobs when Yallourn and other coal power stations shut down? At the moment, the federal government isn't offering anything more than platitudes."

Read the entire article by Chris Briggs in The Conversation at: <https://theconversation.com/the-death-of-coal-fired-power-is-inevitable-yet-the-government-still-has-no-plan-to-help-its-workforce-156863>

Worth Reading: Will the COVID vaccine make me test positive for the coronavirus? 5 questions about vaccines and COVID testing answered

"COVID-19 vaccination is rolling out across Australia. So health authorities are keen to dispel myths about the vaccines, including any impact on COVID testing.

Do the vaccines give you COVID, or make you test positive for COVID? Does the vaccine affect other tests? Do we still need to get COVID tested if we have symptoms, even after getting the shot? And will we still need COVID testing once more of the population gets vaccinated?

We look at the evidence to answer five common questions about the impact of COVID vaccines on testing."

Read the entire article by Meru Sheel, Charlee J Law and Cyra Patel in The Conversation at:

<https://theconversation.com/will-the-covid-vaccine-make-me-test-positive-for-the-coronavirus-5-questions-about-vaccines-and-covid-testing-answered-155958>

Worth Reading: Gender bias in medicine and medical research is still putting women's health at risk

"International Women's Day celebrates women's achievements and raises awareness of the continuing mission towards gender equality. So it's a good time to be reminded we still need to correct decades — centuries even — of gender bias in medicine and medical research.

It's no secret men and women are different. It's why we have a whole genre of books and jokes about why "men are from Mars and women are from Venus".

Mentally, physically and biologically, men and women are simply not built the same way. It sounds obvious, but we have only really begun to understand why.

These differences have not been reflected accurately in the field of medicine. Women's health has too often been considered a niche area — even though it involves roughly 50% of the world's population."

Read the entire article by Kelly Burrowes in The Conversation at: <https://theconversation.com/gender-bias-in-medicine-and-medical-research-is-still-putting-womens-health-at-risk-156495>

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.