



Stat Report 2021/07

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Progress on Public Health Sector negotiations

Since August last year the Union has been negotiating for a new agreement with Public Health Sector employers.

We have just finished two weeks of intensive negotiations which were facilitated by a very senior former member of the Fair Work Commission. During this period, we focused on trying to reach agreement on as many of our priority claims as possible.

I can report that as a result of the past two weeks of negotiations we have made some progress on many of the key claims, but remain significantly apart on critical claims like

- workload/backfill,
- pharmacist staffing,
- psychologist P2 to P3 progression and
- wages.

Although we have moved closer to a settlement on a number of our priority claims, the differences between us and the employers is still significant and means there is no guarantee we will reach agreement.

We are still a fair way off reaching a settlement on our priority claims, which is where we hoped to be by now. We are extremely frustrated with the lack of progress and disappointed that we can't report more progress, which we had set our sights on achieving by the end of the facilitation period.

We are at a crossroads point in negotiations and will report to members in union meetings to discuss the negotiations and decide where we go next.

We are very pleased to advise that an outcome has been agreed between Monash Health and the Union in relation to permanent night shift allowance. Monash Health has agreed to pay the permanent night shift allowance subject to particular circumstances, which are explained in the *Union Round Up* section. This is an important win for the Union and members at Monash Health. We congratulate the members who raised this issue and added their voice to ensuring this great outcome.

The Union will be closed over the Easter holiday and will reopen on Wednesday 7 April. I know we're looking forward to the break over Easter and hope you enjoy a well-deserved break too. However, if you're working over the Easter holiday, we want to thank you for ensuring we can continue accessing world class health care. If you do find yourself in an urgent situation over the holiday period, for example where your employment is being threatened or you have been stood down, please ring on 0418 543 682.

Our staff will be 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



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 year has presented several challenges, particularly for parents and carers. 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

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.

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 although we understand internal email has been restored and external email will have been restored this week.

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

Annual Leave Entitlements

Over the last several weeks, we have received an increase in inquiries from members in the public sector about annual leave, and reports that members are feeling pressured to plan leave in advance. Here's a couple of quick facts about public sector annual leave:

- Under our Agreement, annual leave needs to be taken at a time "determined by mutual agreement". If you don't agree to take your leave, you can't be forced to take it: cl 60.3
- There is no provision in our Agreement, about excess annual leave. And, there is also no clause in our Agreement, which enables an employer to direct a worker to take annual leave;
- If more than 2 weeks annual leave is taken, this leave must be backfilled: cl 34.1

Having said that, employers can have respectful conversations with workers about annual leave planning. And, the Union does encourage workers to take their annual leave to generally recharge and to be happy and safe at work when they're there!

If you do feel pressured to submit leave requests, here's some advice:

- Think about when you actually want to take your leave and try not to feel pressured by arbitrary dates presented by management (such as, needing to submit a plan to use X amount of leave before the end of the financial year);
- Put this plan to your employer and have a conversation about that proposal;

- Then, when that proposal is agreed, advise your employer that you do not intend to discuss leave planning further; and,
- If you're ever in doubt, the Union is always here for support.

If you have any queries about your annual leave entitlements please contact the Union at enquiry@msav.org.au

Monash Permanent Night Shift Dispute Outcome

We are very pleased to advise that an outcome has been agreed between Monash and the Union in relation to this matter.

The outcome is that payment of the permanent night shift allowance, will be made in the following circumstances:

- Any number of night shifts, which are permanently rostered, consecutively each week, for 4 weeks or more.
- The night shifts do not need to be rostered the same days each week though, and you can work a roster pattern including other shifts, such as evenings and days etc.
- Payment will not be made though, if you do not work night shifts in each week, because they would not be consecutively rostered (ie a regular fortnightly nightshift would not receive the higher payment because the individual is not rostered on night shift for 4 consecutive weeks).

If you meet this definition, and have been working a permanent night shift roster, the Union has negotiated back payment for 4 years.

What happens next?

Monash will put out a call for staff who think their rosters at any given time in the previous 4 years will match the description in 1 above.

Staff will be given 1 month to identify themselves for Monash to review their rosters and identify which ones the payment will apply to. (If there is a dispute, further discussion will be held to resolve it.)

Many thanks to Lisa Alcock who led this process and negotiated an excellent outcome. And importantly, to the Union members who first raised their concerns, and added their voices to this dispute!

If you have any queries please contact Heidi at heidib@msav.org.au or Lisa at lisaa@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 and Phase 1b now open. It is up to your employer to organise your vaccine under Phases 1a and 1b with any queries about when and where you receive the vaccine should be directed to your employer.

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>

If you have any concerns or queries please contact us at enquiry@msav.org.au

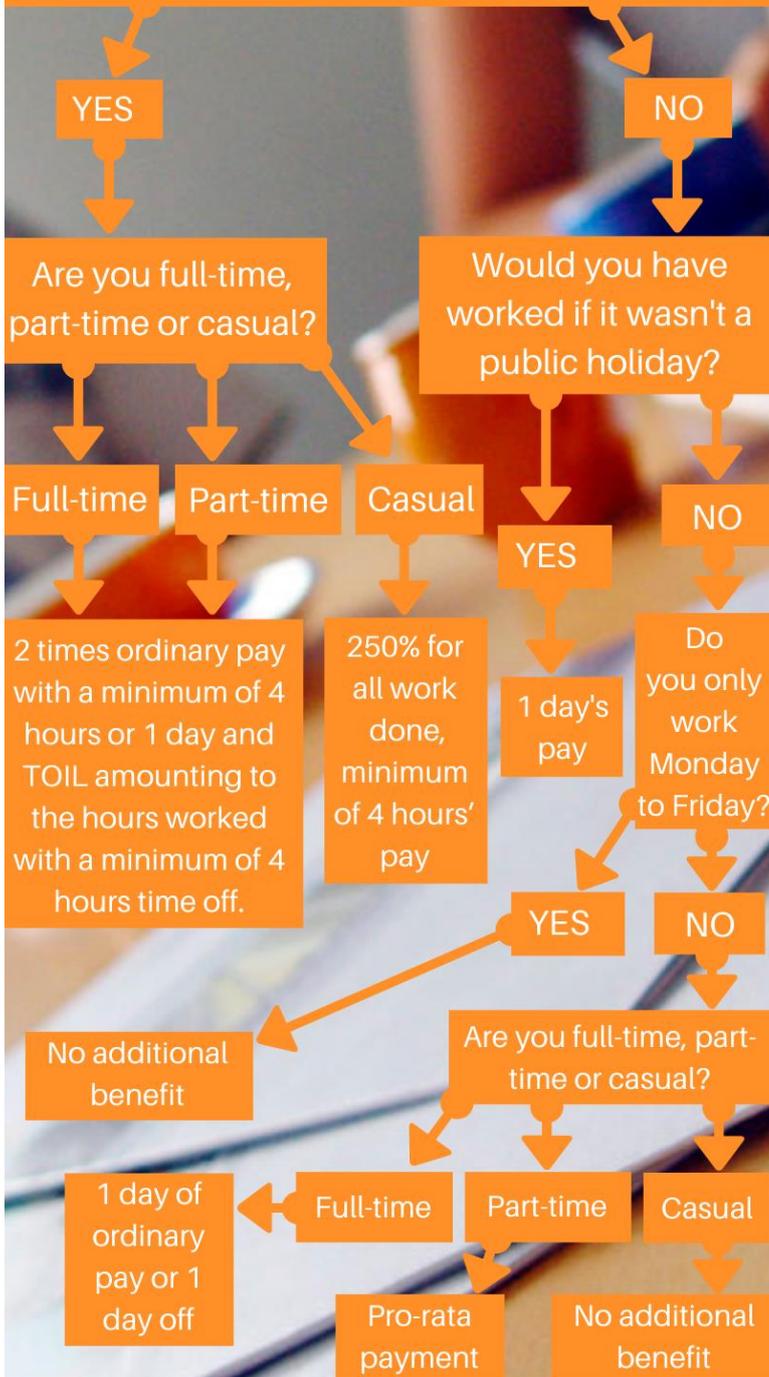
Easter Holiday Pay

Easter is upon us which means public holidays. The official gazetted public holidays over Easter are: Good Friday, Saturday, Easter Sunday and Easter Monday. 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 Test Isolation Payment announced by the Premier remains available to those members 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>

Easter Holiday and Contacting the Union

The Union will be closed over the Easter holiday and will reopen on Wednesday 7 April.

Over this time, please use our enquiry email - enquiry@msav.org.au - it's 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.

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.

oil and gas.

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

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: Depression, burnout, insomnia, headaches: how a toxic and sexist workplace culture can affect your health

"As allegations of rape and sexual assault engulf Australian federal politics, several current and former female staffers and politicians have come forward to share their stories of a culture of toxic masculinity within Australia's political bubble.

It's unfortunate that while gender roles are evolving at home, gender inequality and overt sexism remain prevalent in Australian political culture and in many workplaces across the country.

While the effects of a culture of toxic masculinity are most detrimental for the victims, other employees in workplaces and the wider community can also be negatively impacted.

This opens up a broader question: how does a toxic and sexist workplace culture affect the health and well-being of employees and organisations?"

Read the entire article by Xi Wen and Paula Brough in The Conversation at:

<https://theconversation.com/depression-burnout-insomnia-headaches-how-a-toxic-and-sexist-workplace-culture-can-affect-your-health-158062>

Worth Reading: Yes, Australia is a land of flooding rains. But climate change could be making it worse

"Over the past three years, I've been working on the forthcoming report by the United Nations' Intergovernmental Panel on Climate Change. I'm a climate scientist who contributed to the chapter on global water cycle changes. It's concerning to think some theoretical impacts described in this report may be coming to life – yet again – in Australia.

The recent flooding in New South Wales is consistent with what we might expect as climate change continues.

Australia's natural rainfall patterns are highly variable. This means the influence climate change has on any single weather event is difficult to determine; the signal is buried in the background of a lot of climatic "noise".

But as our planet warms, the water-holding capacity of the lower atmosphere increases by around 7% for every 1°C of warming. This can cause heavier rainfall, which in turn increases flood risk.

The oceans are also warming, especially at the surface. This drives up both evaporation rates and the transport of moisture into weather systems. This makes wet seasons and wet events wetter than usual."

Read the entire article by Joelle Gergis in The Conversation at: <https://theconversation.com/yes-australia-is-a-land-of-flooding-rains-but-climate-change-could-be-making-it-worse-157586>

Worth Reading: The numbers Scott Morrison just can't seem to comprehend

"There are very few women in Australia who haven't experienced bad behaviour from men.

Put a group of women in a room and almost all have at least one story to tell – ranging from sleazy or uncomfortable through to terrifying. Even life-threatening.

The litany of claims about criminal, gross or demeaning choices made mostly by men in the Coalition parliamentary offices is now so long it's almost difficult to keep up with them all.

The Prime Minister's self-confessed inability to understand why so many Australian women are disgusted and enraged was frustrating, but not surprising.

He has surrounded himself with men who have little experience or interest in women's lives.

As of Monday, seven of the 22 cabinet ministers are women, up from six after the reshuffle.

Less than 20 per cent of government MPs and less than 40 per cent of Liberal senators are women."

Read the entire article by Jane Gilmore in The New Daily at:
<https://thenewdaily.com.au/news/national/2021/03/31/jane-gilmore-sexual-assault-data/>

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 the image below on Facebook, Twitter, Instagram, Reddit or your favourite social media platform.



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.