



## Stat Report 2021/08

In this issue of STAT Report we cover:

- Attacks on superannuation and minimum wage
- Union Round Up
- Easter Holiday Pay
- Test Isolation Payment
- Contacting the Union
- Membership Issues – Experiencing hardship?
- Campaign Corner
- Worth Reading
- Member Benefits

### Attacks on superannuation and minimum wage

I want to start this week's STAT Report by thanking hospital pharmacists for your very important work in helping to rollout COVID-19 vaccines. We know that there are not enough pharmacists in our hospitals and that adding the distribution of vaccines to their workloads means additional stress, so in the meantime we continue to work hard to address the appalling lack of pharmacists in our hospitals through our Public Sector enterprise agreement negotiations.

Meanwhile, the Union is very concerned that the Morrison government's proposed changes to superannuation laws would harm consumers and go against the advice of the banking royal commission. The Union is concerned the annual reviews, which were designed to weed out under-performers by preventing funds from taking on new members if they failed to meet benchmark returns for two years in a row, essentially would allow retail funds to continue charging exorbitant fees and diminishing the funds available to people in their retirement. We also hold very strong concerns about the government having powers to veto fund investment and expenditure decisions by superannuation funds. This could have significant impacts on investment portfolios given the Morrison government's hyperbole directed at superannuation funds about divesting from fossil fuels, and their investment in clean energy projects.

While the Morrison government is attacking superannuation funds, it is also trying to limit the increase in the minimum wage. As usual for the Coalition, this government is pushing a very discredited argument of wages versus jobs. Unfortunately, this was an argument the Fair Work Commission agreed with when they reduced penalty rates, which were supposed to lead to increased employment; and we know that these increases never occurred. Sadly, it appears that the Morrison government will continue to push the same tired argument when it comes to minimum wage increases. There is no evidence that wage increases lead to mass job losses. The Morrison government is also trying to sideline advice from the Reserve Bank of Australia, which has repeatedly stressed the vital importance of boosting wages growth if the economy is to be able to get back to something like

normal. For a government that likes to say it fights for working Australians, it always does the opposite in reality; it attacks working Australians and your rights at work.

Whilst we support the recommendations of the Victorian Royal Commission into mental health care, we are concerned that their full implementation requires a determined commitment from the State Government and health services. Having said that we are gobsmacked that there are health services that continue to push for reduced numbers of psychologists involved in delivering mental health care. Monitoring the Victorian Government's response to the Royal Commission's recommendations is now an ongoing work for us.

We will always fight for members' best interests when it comes to your rights at work and making your working life better.

Our team is 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](mailto: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](mailto: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.

## **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:

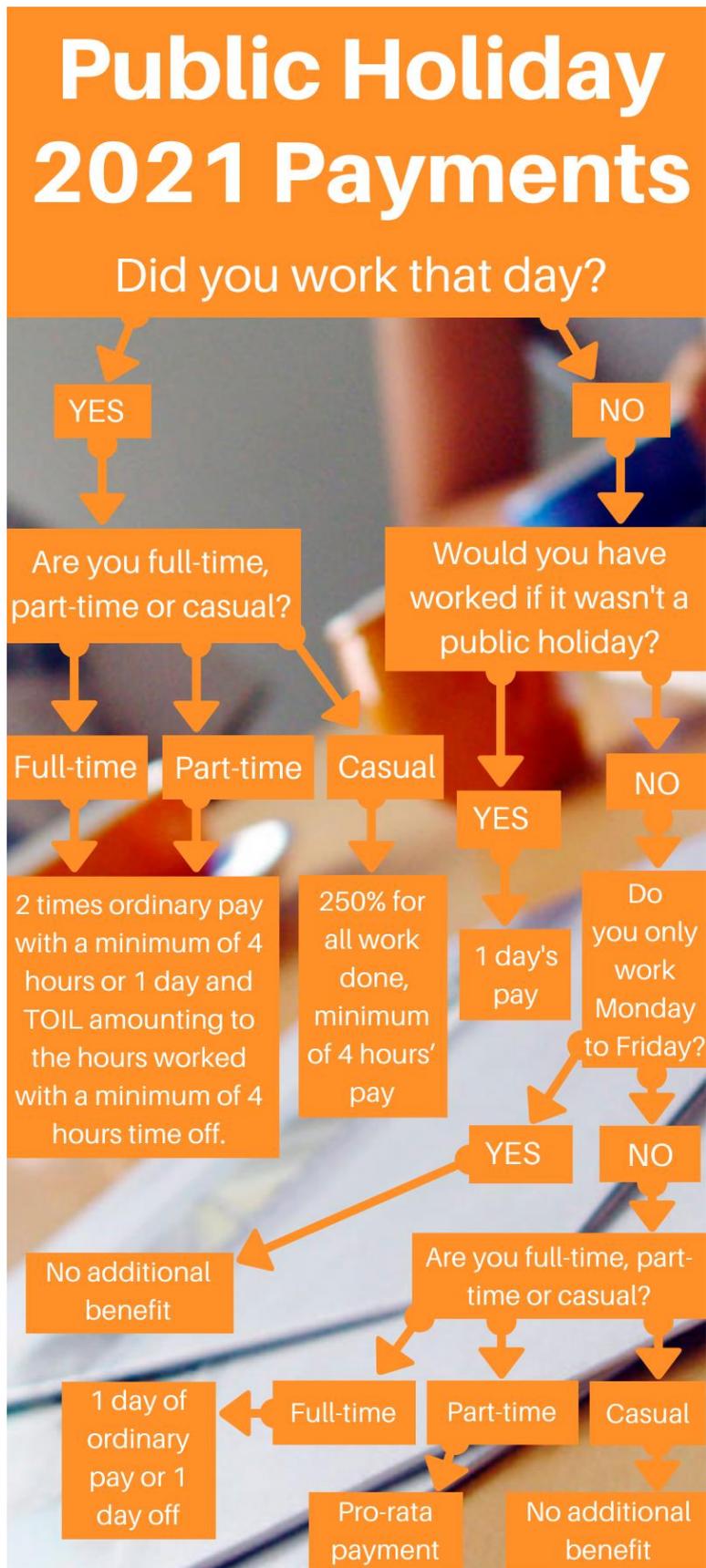
- Think about when you actually want to take your leave and try not to feel pressured by arbitrary dates presented by management (such as, needing to submit a plan to use X amount of leave before the end of the financial year);
- Put this plan to your employer and have a conversation about that proposal;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

## **Easter Holiday Pay**

Use the flowchart below to make sure you know what your entitlements are and whether you've been properly paid for the public holidays over the Easter weekend. The official gazetted public holidays over Easter are: Good Friday, Saturday, Easter Sunday and Easter Monday.

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](mailto:enquiry@msav.org.au)



## 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>

## 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 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](mailto:paule@msav.org.au) | 0418 543 682  
Rosemary Kelly | [rosemaryk@msav.org.au](mailto:rosemaryk@msav.org.au)  
Matt Hammond | [matth@msav.org.au](mailto:matth@msav.org.au) | 0418 149 261  
Heidi Brown | [heidib@msav.org.au](mailto:heidib@msav.org.au)  
Lisa Alcock | [lisaa@msav.org.au](mailto:lisaa@msav.org.au)

**For membership related enquiries** please contact Anastasia at [anastasiap@msav.org.au](mailto: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](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 \(WDV\)](#)

[Women's Housing Ltd](#)

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

[Women's Legal Service](#)

[Women's refuges](#)

## Worth Reading: Four Aboriginal deaths in custody in three weeks: is defunding police the answer?

"In the lead-up to the 30th anniversary of the royal commission into Aboriginal deaths in custody report, there have been four Indigenous deaths in custody in three weeks.

The royal commission report presented 339 recommendations to ensure the safety of First Nations people in custody. If all these recommendations had been implemented, there could have been lives spared, including perhaps these recent deaths in custody."

Read the entire article by Robyn Newitt in The Conversation at: <https://theconversation.com/four-aboriginal-deaths-in-custody-in-three-weeks-is-defunding-police-the-answer-157879>

## Worth Reading: Even after the rains, Australia's environment scores a 3 out of 10. These regions are struggling the most

"Improved weather conditions have pulled Australia's environment out of its worst state on record, but recovery remains partial and precarious, new research reveals.

Each year, we collate a vast number of measurements on the state of our environment. The data are collected in many different ways – including satellites, field stations and surveys – then combined to produce an overall national score.

A year ago, after prolonged drought and devastating bushfires, Australia's environment scored a shocking 0.8 out of ten. Our new research shows nature started its long road to recovery in 2020, especially in New South Wales and Victoria. Some of the regions with the poorest scores have high levels of social disadvantage, which risks being further entrenched by environmental disasters such as drought, bushfire and heatwaves."

Read the entire article by Albert Van Dijk, Marta Yebra and Shoshana Rapley in The Conversation at: <https://theconversation.com/even-after-the-rains-australias-environment-scores-a-3-out-of-10-these-regions-are-struggling-the-most-157590>

## Worth Reading: Gutless government nudges and winks for wages austerity

"It takes a particular kind of gutlessness for the federal government to push for no real increase in wages without being game to say it.

That's what the 109-page government submission to the Fair Work Commission boils down to – nudge nudge, wink wink, let's have another stuff-all minimum wage increase that also impacts a couple of million workers on awards.

True to form, the government prefers to outsource bad news. In this case, blame the "independent" FWC – another body it is in the process of stacking, the latest star recruit being the failed Liberal politician, Sophie Mirabella."

Read the entire article by Michael Pascoe in The New Daily at: <https://thenewdaily.com.au/finance/2021/04/07/michael-pascoe-wages-austerity/>

## 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.