



Stat Report 2021/02

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International Year of Health and Care Workers; and Bargaining

2021 is the International Year of Health and Care Workers. It's also a year we will complete bargaining for a new Public Sector agreement.

The international community has quite rightly recognised health and care workers, especially given the global pandemic and the sheer need of health and care workers to ensuring our health and well-being. Through this recognition the international community is showing respect for your work and acknowledges the value you and your work bring to our lives. Unfortunately, your employers aren't prepared to do the same.

It is as maddening as it is sad that during an historic global pandemic your employers seem to exist in an alternative world. They want to keep playing the usual games and refuse to address our claims. They continue to show a lack of respect for your work and a failure to value the vital role you play in fighting this pandemic. They aren't bargaining in good faith and that's why we are pursuing the technical aspects to take industrial action.

Taking industrial action is not necessarily something we want to do but given public health employers won't bargain in good faith they have left us no other choice but to consider it. We will ensure members are informed of the progress of this work and the next steps. If you have any questions please don't hesitate to contact me.

Before the summer holiday period, the Victorian Psychologists Association. and members at Albury Wodonga Health (AWH) were fighting to prevent the denial of crucial mental health services to the community and wider region. The changes being proposed by AWH did not adequately consider the impacts on psychologists' capacity to provide services to their clients, or how this proposed change seeks to improve services for clients. The VPA. argued the proposed changes would have a negative impact on the clinical services psychologists provide to their clients. Among the concerns was the health service significantly reducing the type of services psychologists currently offer and provide the community; psychologists only being able to provide 6 weeks of service to clients; there would've been no capacity for group psychology work; no capacity for specialist PTS services, which has been a critical service provided to members of the community that allows suitable care

pathway options for different levels of individual needs; and there would have been no capacity to run psychology intervention for the HOPE program, which has been critical for the community.

On top of this AWH ignored the fact that the Royal Commission into Victoria's Mental Health is due to provide recommendations imminently. It is anticipated that the Royal Commission will recommend increased investment in psychologists in health services to ensure they are able to provide services, not a reduction in services as proposed by AWH. Clinical psychologists are highly trained professionals, and it is critical that health services maintain the capacity to provide clinical counselling services to regional communities.

We're extremely proud to say that AWH has walked away from their disastrous proposal. However, it only happened because of the members and VPA having a united front in the face of strong management pressure. It's a testament to the members and VPA that they were able to achieve this outcome to ensure that their local community, and the wider region, continue to have access to high quality, essential mental health services.

We urge members to keep letting us know about changes being proposed in your workplace; it is the most effective way to ensure we can keep your employers accountable and protect your hard-won rights in our agreements.

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



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.

Higher Qualification Allowance Back-pay at Peninsula Health

The Union has been notified that Peninsula Health will honour the Higher Qualification Allowance requirements of our agreement and will back-pay staff. Staff that will receive back-pay will get notified in writing by payroll over the next few days.

If you have any queries please contact Heidi at heidib@msav.org.au

Monash Health night shift allowance dispute

Members at Monash Health are disputing failure to pay the higher night shift allowance under cl 55.1(b) of the Agreement. We believe, that if members permanently work night shifts (which may include other shifts) you should be entitled to the higher night shift rate. And, that you don't have to work exclusively night shift.

If you believe this also impacts you, please get in touch with Lisa (lisaa@msav.org.au) or Heidi (heidib@msav.org.au) to support the dispute and your colleagues.

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

Change to Eastern Health Patient Care Management System (PCMS) (HOMER Replacement)

It is proposed that Eastern Health introduce a new Patient Administration System (PAS) across the organisation to replace the current end of life PAS (HOMER) which has been in use for 30 years. A PAS provides critical patient admission, discharge and transfer functions and is a vital "source of truth" for all downstream integrated systems for all patient episodes of care.

It will likely impact Clerical, Health Information Services and after-hours clinical staff (in-charge Nurses and Midwives, Clerical Administration, Ward Clerks and Health information Staff). Due to Covid-19, i.PM training will be delivered online (eLearn) and via virtual limited in-class training.

If you have any concerns please Heidi at heidib@msav.org.au

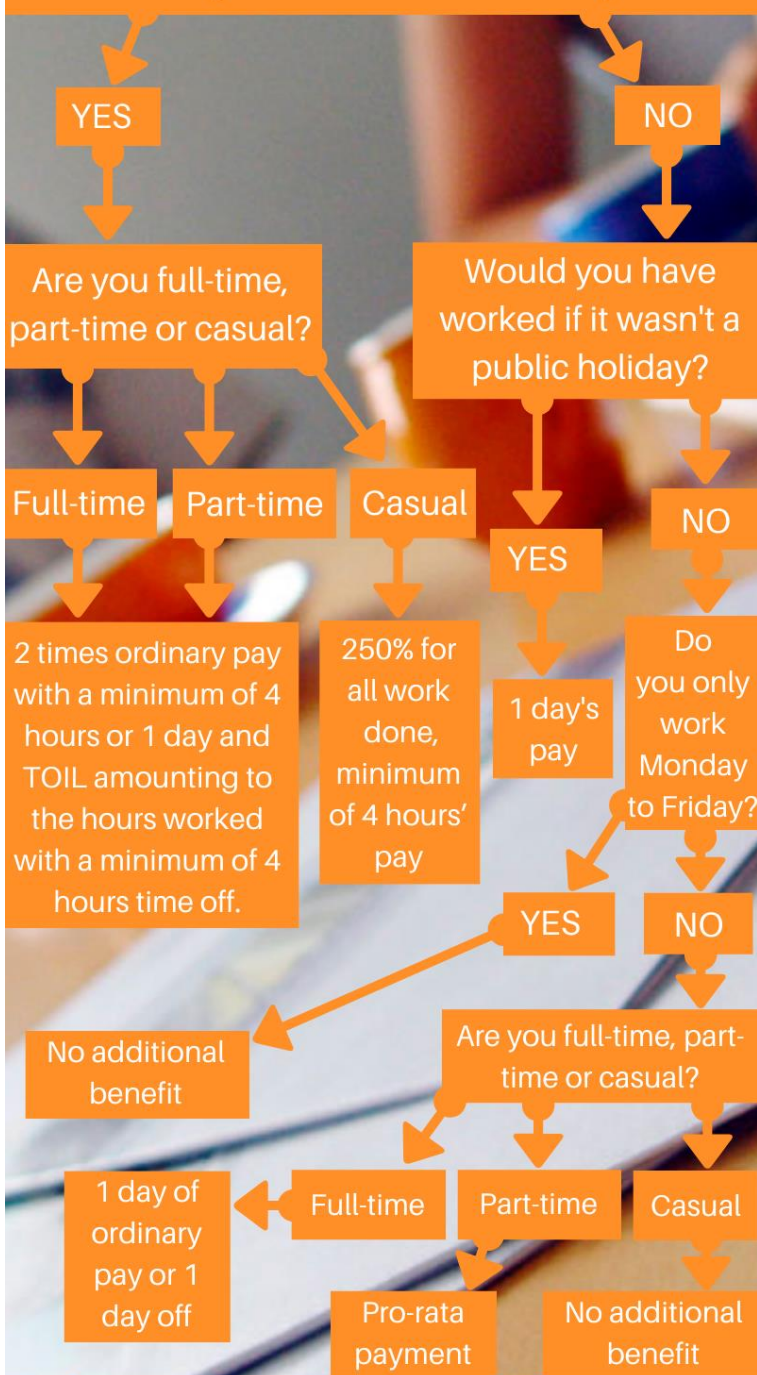
Public Holiday Pay

It's January so there's been some public holidays and there was a public holiday on Tuesday, which means you need to know what your public holiday pay entitlements. 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 on 9623 9623 or 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 WELA Leadership Development Program has successfully supported the leadership, career development and influence of over 70 women leaders across the sector since 2016.

The program brings together 20 women a year for an intensive online and retreat-based leadership development program. Participants come from diverse backgrounds, ages and communities and are working on a variety of environmental issues and campaigns around the country. Some will be employed in the movement. Others will be working as volunteers or individuals.

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: It's not too late to save them: 5 ways to improve the government's plan to protect threatened wildlife

"Australia's Threatened Species Strategy — a five-year plan for protecting our imperilled species and ecosystems — fizzled to an end last year. A new 10-year plan is being developed to take its place, likely from March.

It comes as Australia's list of threatened species continues to grow. Relatively recent extinctions, such as the Christmas Island forest skink, Bramble Cay melomys and smooth handfish, add to an already heavy toll.

Now, more than ever, Australia's remarkable species and environments need strong and effective policies to strengthen their protection and boost their recovery.

So as we settle into the new year, let's reflect on what's worked and what must urgently be improved upon, to turn around Australia's extinction crisis."

Read the entire article by Euan Ritchie, Ayesha Tullock, Don Driscoll, Megan C Evans, Tim Doherty in The Conversation at: <https://theconversation.com/its-not-too-late-to-save-them-5-ways-to-improve-the-governments-plan-to-protect-threatened-wildlife-147669>

Worth Reading: Home-delivered food has a huge climate cost. So which cuisine is the worst culprit?

"Over the past few years, Australians have embraced online food delivery services such as UberEats, Deliveroo and Menulog. But home-delivered food comes with a climate cost, and single-use packaging is one of the biggest contributors.

Our research found Australians placed 27 million online food orders in 2018. By 2024, this number is projected to increase to 65 million.

The increasing use of take-away food packaging associated with online meal deliveries is making the food sector's already massive carbon footprint even larger. Of the five cuisines we examined, packaging from burger meals was responsible for the most emissions, followed by Thai meals.

Last year, lockdowns related to COVID-19 led to a 20% increase in household solid wastes due in part to increased food deliveries. The climate crisis and problems facing Australia's waste management sector mean we must urgently reduce waste from meals ordered online."

Read the entire article by Robert Crawford in The Conversation at: <https://theconversation.com/home-delivered-food-has-a-huge-climate-cost-so-which-cuisine-is-the-worst-culprit-151564>

Worth Reading: Crimes at sea: when we frame illegal fishers as human and drug smugglers, everyone loses

"Many think illegal fishing involves organised criminals, drugs and weapons. But our research found this depiction is, by and large, not true.

Illegal, unreported and unregulated fishing costs economies up to US\$50 billion globally each year, and makes up to one-fifth of the global catch. It's a huge problem not only for the 59.5 million people who depend on fisheries for their livelihoods, but also for the environment.

Many philanthropic and environmental organisations think of illegal fishing as a "transnational crime", involving organised criminals operating vessels on the high seas, smuggling drugs, weapons and people.

But our research found this depiction is, by and large, not true."

Read the entire article by Britta Denise Hardesty, Chris Wilcox, Jessica Ford, Mary Mackay in the CSIRO Blog at: <https://blog.csiro.au/crimes-at-sea-when-we-frame-illegal-fishers-as-human-and-drug-smugglers-everyone-loses/>

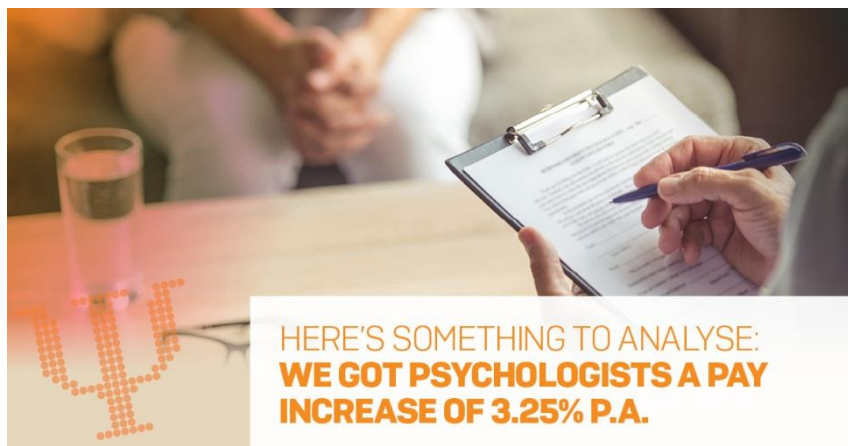
Join the Union

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.



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Your Union is on Facebook

Keep up to date with what's happening by liking us on Facebook

[Medical Scientists Association of Victoria](#) | [Victorian Psychologists Association Inc](#) | [Association of Hospital Pharmacists](#)

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.