



Stat Report 2021/04

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Public Sector Agreement Negotiations Update

COVID and all the issues surrounding it has meant our public sector EBA updates have not been as frequent as we would have liked, but I can report that our efforts at the negotiating table have been ongoing, and intensified over the past fortnight.

We are now meeting, whether face to face or via electronic formats, at least 3 times a week.

We have been anxious to reach agreement on our priority claims as a matter of urgency and have been focusing on claims such as wages and allowances.

In addition to this we have nominated workload, hours/rostering, Long Service Leave accruals, rest breaks and pharmacist staffing ratios as also being priority claims that need to be resolved urgently.

Whilst we are edging closer to agreement on some of these claims, progress overall is frustratingly slow.

This does not mean that other concerns have dropped off the table. Claims addressing issues like leave backfill, staffing levels, shift work provisions, all types of leave and career progression have been made but we are still a fair way apart on with your employers.

The negotiations have reached the stage where we will shortly be calling member meetings to report on the progress that has been made and discuss what we need to do to achieve a great result for members across all our classification working in public health. These discussions will involve considering how members can become directly involved to help get results as soon as possible. A key issue for these meetings to decide will be if/when/how we initiate protected industrial action.

We will get a more detailed bargaining update to you as soon as possible and a member meeting schedule will come out as soon as we finalise one. Due to ongoing COVID issues, these meeting will be by Zoom.

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](#).

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.

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 | lisa@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: Australians surrender wages hopes

"Australians have effectively surrendered hope of improved living standards, expecting inflation will be much higher than weak growth in their pay packets.

The danger of such expectations is that they can be self-fulfilling. If workers assume any pay increase will be negligible, there's little pressure on employers to do better than that.

And with the federal government limiting public sector wage increases to private sector movements, it becomes one more brick in the wall of wages suppression and falling living standards, boding ill for economic recovery.

The February Melbourne Institute survey of consumer inflation and wage expectations, released on Thursday, showed consumers expect their total pay over the next 12 months to rise by just 0.6 per cent."

Read the entire article by Michael Pascoe in The New Daily at:

<https://thenewdaily.com.au/opinion/2021/02/12/michael-pascoe-wages-hope/>

Worth Reading: Our national water policy is outdated, unfair and not fit for climate challenges: major new report

"Most Australians know all too well how precious water is. Sydney just experienced a severe drought, while towns across New South Wales and Queensland ran out of drinking water. Under climate change, the situation will become more dire, and more common.

It wasn't meant to be this way. In 2004, federal, state and territory governments signed up to the National Water Initiative. It was meant to secure Australia's water supplies through better governance and plans for sustainable use across industry, environment and the community.

But a report by the Productivity Commission released today says the policy must be updated. It found the National Water Initiative is not fit for the challenges of climate change, a growing population and our changing perceptions of how we value water.

The report's findings matter to all Australians, whether you live in a city or a drought-ravaged town. If governments don't manage water better, on our behalf, then entire communities may disappear. Agriculture will suffer and nature will continue to degrade. It's time for a change."

Read the entire article by Quentin Grafton in The Conversation at: <https://theconversation.com/our-national-water-policy-is-outdated-unfair-and-not-fit-for-climate-challenges-major-new-report-155116>

Worth Reading: Five twinkling galaxies help us uncover the mystery of the Milky Way's missing matter

"We've all looked up at night and admired the brightly shining stars. Beyond making a gorgeous spectacle, measuring that light helps us learn about matter in our galaxy, the Milky Way.

When astronomers add up all the ordinary matter detectable around us (such as in galaxies, stars and planets), they find only half the amount expected to exist, based on predictions. This normal matter is "baryonic", which means it's made up of baryon particles such as protons and neutrons.

But about half of this matter in our galaxy is too dark to be detected by even the most powerful telescopes. It takes the form of cold, dark clumps of gas. In this dark gas is the Milky Way's "missing" baryonic matter.

In a paper published in the Monthly Notices of the Royal Astronomical Society, we detail the discovery of five twinkling far-away galaxies that point to the presence of an unusually shaped gas cloud in the Milky Way. We think this cloud may be linked to the missing matter."

Read the entire article by Tara Murphy and Yuanming Wang in the CSIRO Blog at: <https://blog.csiro.au/milky-way-missing-matter/>

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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[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.