



Stat Report 2021/12

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Wage theft in pathology; Public Health Sector bargaining and other agreements

We are witnessing a very worrying trend in medical pathology laboratories, whether they are public or private. A deliberate strategy of public and private employers to employ scientists as laboratory technicians undermines and exploits people and ultimately hurts Victoria's health sector and its capacity to care for people.

Cases of people with medical science qualifications, sometimes honours degrees, are being employed in public and private medical pathology laboratories as technicians but required to perform scientist work, with substantial duties under the terms of our agreements entitle them to be classified and paid as medical scientists.

The practice of under-classifying and underpaying scientists is not only exploitative, it is by any measure wage theft.

This egregious management practice destroys careers and career progression models in pathology. Young scientist graduates, after years of university study and placements, are forced into accepting employment as a technician, in the hope that they will progress into a scientist position. In this environment too many are held in technicians positions for years working as a scientist and denied a scientist job because employers will have to pay them a scientist higher pay rate.

To ensure we keep health services accountable we need you to report your concerns if you find yourself in this situation. Make sure you contact us at enquiry@msav.org.au - our enquiry email is closely monitored.

The Union continues to meet with Public Health Sector employer representatives to work through outstanding issues in our negotiations for a new public sector enterprise agreement. We are pleased to report that we are

making some progress on a range of claims. It would be nice if we had more good news for members that we are close to a package deal, but unfortunately, we remain apart on a smaller shrinking number of priority claims.

We are also continuing to negotiate a range of other agreements for members. These include new agreements at Melbourne IVF, Monash IVF and NextSense among others. We strongly encourage members to be actively involved in preparing for negotiations by providing your feedback on what you think should be included in the log of claims. There are updates on these negotiations in this edition of STAT Report in *Union Round Up*.

Our team have been back in the office for a few weeks now so if you need to contact a staff member, please contact us through our enquiry email at enquiry@msav.org.au or via telephone on (03) 9623 9623.

In solidarity
Paul Elliott
Secretary



Positions not backfilled? Let us know

Union Round Up

Enterprise Agreement Updates

NextSense (formerly the Royal Institute of Deaf and Blind Children) Agreement

We have now been bargaining with NextSense since December 2020. This has been a really complex round of bargaining, in part because the organisation is trying to combine more than 5 industrial instruments into the one agreement.

On Friday 30 April 2021, representatives from the 3 Health Services Unions including the MSAV, met with NextSense and their representatives to discuss their proposed classification structure.

We took this opportunity to share all of the concerns members have with this structure, including that there is no transparency and fairness, workers need to individually negotiate their salary which may result in discriminatory practices, and we want workers to progress through pay points annually etc.

We also want a structure which recognises the skills, qualifications and experiences of our members, and provides a clear career structure for progression.

We are next scheduled to meet on 6 May 2021 to discuss leave entitlements.

Monash IVF Scientists Agreement

The current Agreement expires on 30 September 2021. We are working with members now to understand what they want negotiated.

Members are encouraged to send through feedback about what outcomes they would like to see in the new agreement and wage increases.

We are also scheduling a members' meeting for 19 May 2021 via Zoom. Invites will be sent next week.

Melbourne IVF Counsellors Agreement

The Union is in the process of finalising negotiations with MIVF. We have negotiated 10% wage increases over a 4-year agreement, plus a sign on bonus which has been endorsed by members.

The first wage increase will commence on 26 April 2021 and will be passed to workers on the 10 May 2021.

We're happy to share that we negotiated for MIVF to withdraw plans to implement a Christmas close down clause. And, Genetic and IVF Counsellors will now be able to access higher qualifications allowance.

We are finalising drafting now with management and should have an Agreement for your consideration and balloting shortly.

TissuPath Laboratories Agreement

Negotiations for the new TissuPath Labs agreement has now commenced. We are working with members to understand what they want negotiated.

Members at TissuPath labs met on Wednesday 5 May 2021 to begin developing their log of claims.

Management have engaged employer representative, the Victorian Chamber of Commerce and Industry (VCCI) to negotiate the agreement on their behalf.

Negotiations are scheduled to recommence with VCCI and management after 17 May 2021.

Genesis Medical Psychists Agreement

The Genesis Agreement expired on 1 May 2021. Bargaining will commence shortly to negotiate the new Agreement.

Members at Genesis met on 23 March 2021 to share feedback and begin developing the new Agreement.

The draft log of claims was shared around to all members on 4 May 2021 for feedback. Once feedback is received, members will then be given the opportunity to endorse the log of claims before it is shared with management.

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.

Whilst the above references are to our Public Health Sector Agreement our private sector agreements contain the same, or similar, provisions.

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

Monash Health Permanent Night Shift Allowance

Currently Monash Health employees only receive the permanent night shift allowance where they have been working only night shifts for a period of more than four weeks. This is wrong.

Monash Health has reached an agreement with the Union about the interpretation of this allowance. It has been accepted that the permanent night shift allowance will be paid where any number of night shifts are permanently

rostered consecutively each week for more than four weeks. The night shifts do not need to be rostered on the same days and can be performed as part of a roster with other shifts such as day and afternoon shifts.

What is going to happen next:

1. Monash Health has agreed the permanent night shift allowance will be back paid up to four years from the date of this memo. If you think you may be eligible for back pay of the permanent night shift allowance, please contact your manager in writing by Friday, 14 May 2021 with details of the shift pattern you consider should be eligible for back pay and the relevant period(s) of time that pattern was worked.

Your manager will then review your shift patterns and if it is determined that you are eligible for back pay, we will ask you to sign a Deed of Release in relation to the back pay before payment is made. Managers will receive a further email next week with additional information in relation to setting out the information and organising the back pay with Payroll.

2. Managers are directed to apply the permanent night shift allowance consistently with the agreed interpretation.

Time is running out on this arrangement so members at Monash Health need to come forward before 14 May 2021 to be part of the settlement the Union negotiated. Contact Heidi to ensure that you are part of the settlement at heidib@msav.org.au

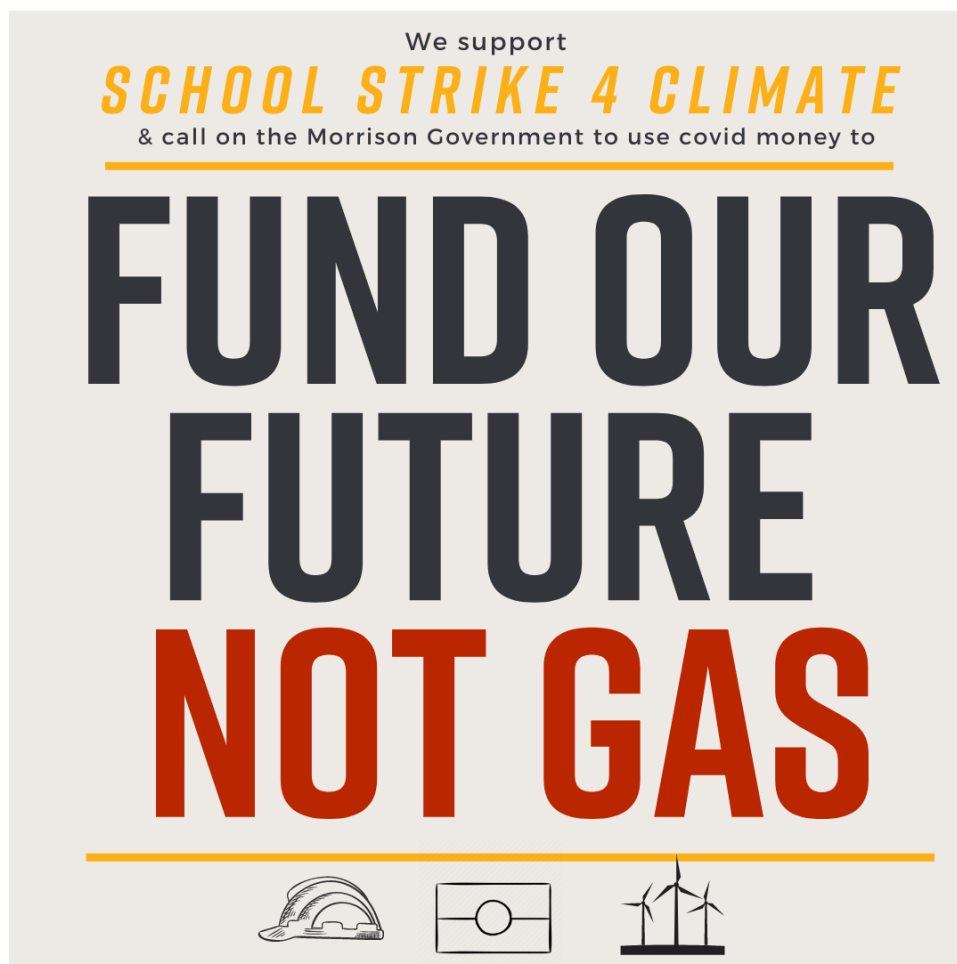
School Strike for Climate

The Union strongly believes in the need to urgently address climate change. We know that climate change is already having an impact on our health and well-being. We also know that climate change, if left unchecked, will have a profound impact on the future of our planet and the lives of billions of people globally.

That's why the Union is supporting the latest School Strike for Climate rally which will be held on 21 May.

The team behind the action need some marshals to help out on the day. If you're intending on going and what do a little more to support the action, then consider [signing up to be a marshal here](#).

Details are available at: <https://www.facebook.com/events/1440575416288630/>



Membership Fees and Invoices

Members paying union fees by manual annual subscription will be receiving the upcoming renewal subscription invoice for the 2021/2022 FY early June 2021 via email. Members who have not yet paid the current 2020/2021 FY subscription, or haven't received an invoice, please contact Anastasia on 9623 9623 or anastasiap@msav.org.au to receive another one or to pay by credit card over the phone. Members can also log in to the membership portal to make sure all contact details are correct. Please email Anastasia if you require another activation link emailed to you.

Members who have had changes in their work hours or have returned to work from maternity leave, or from a period of being stood down please contact Anastasia to update your subscription rate, in order to maintain the correct coverage for Professional Indemnity Insurance purposes.

Members paying by Direct Debit will receive tax receipts for the current FY early July 2021. Payments for the 2021/2022 will continue as usual. Members can update their payment details, when necessary, via the membership portal. Any changes to work hours, please contact Anastasia on 9623 9623 or anastasiap@msav.org.au

You can access your membership details, PI Insurance information and details on what you've paid in membership fees from your own page through our membership portal. The membership portal allows you to update your membership details, download your PI Insurance information and your tax receipts when it comes time to prepare your tax return. It's easy to use, secure and gives you the information you need whenever you need it! To access your membership portal, visit <https://msav.360membership.com.au/login.aspx>

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.

Right now, Aware Super, Australia's biggest health industry super fund, is investing our money in fossil fuels - oil and gas. While they have plans to divest from fossil fuels, it's vital that we maintain the pressure to make sure they divest faster to ensure a reduction in financial issues posed by stranded assets like fossil fuelled power stations.

Join us in asking Aware Super to divest from fossil fuels at
<https://www.healthyfutures.net.au/awaresuper>

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: More than half of Australians will experience trauma, most before they turn 17. We need to talk about it

"When I began researching the transmission of transgenerational trauma and literary trauma testimony in 2010, I rarely encountered the word "trauma" in the media and national conversation.

Trauma as a concept mostly only preoccupied trauma studies researchers, trauma-educated survivors, and those working on trauma's front lines, such as mental health professionals.

Now, for the first time in Australian history, trauma is trending in the wider public discourse.

Brittany Higgins' rape allegation and the historic rape allegation against Christian Porter have ignited a firestorm of discussion about sexual assault. A Royal Commission into veteran suicide is expected to highlight veteran post-traumatic stress disorder. Seven Indigenous Australians have died in custody since the start of March. And we're finally naming trauma when we talk about these kind of crimes and realities."

Read the entire article by Meera Atkinson in The Conversation at: <https://theconversation.com/more-than-half-of-australians-will-experience-trauma-most-before-they-turn-17-we-need-to-talk-about-it-159801>

Worth Reading: Lessons of Wiradjuri Dreamtime that are written in the stars are being passed down

"When the tree goanna makes its way back down onto land, that's the time to go hunting, according to Wiradjuri Dreamtime astronomy.

Long before the Babylonians and the Greeks and prior to both the Renaissance and Enlightenment periods, there was Indigenous astronomy.

This makes the First Nations' cultures of Australia the world's oldest astronomers.

Millenia before the Greeks' mathematically proved the Earth was round, Australian Indigenous stargazers had already noted that the position of the south celestial pole moved as they travelled north and south."

Read the entire article by Gaye Pattison and Erin Somerville in the ABC at: <https://www.abc.net.au/news/2021-05-03/indigenous-astronomy-wiradjuri-dreaming/100110328>

Worth Reading: An extra \$1.7 billion for child care will help some. It won't improve affordability for most

"The Australian government has announced big changes to its child-care subsidy ahead of the May 11 federal budget.

The changes involve adding A\$1.7 billion over three years to the money already budgeted for child care (now A\$10.3 billion a year). This spending will particularly benefit families with two or more children under five. It will also help couples with a combined income of more than A\$189,390, by removing the subsidy cap that restricts them to a maximum of A\$10,560 per child a year.

The government says the changes "deliberately target low and middle income earners, with around half the families set to benefit having a household income under \$130,000".

How will these changes affect you? In the short term, not at all. They won't affect anyone until July 2022. After that some families will see great benefit."

Read the entire article by Kate Noble and Peter Hurley in The Conversation at: <https://theconversation.com/extra-1-7-billion-for-child-care-will-help-some-it-wont-improve-affordability-for-most-160163>

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

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If not print out a copy and leave it on the noticeboard or in the staff room for your colleagues.