



Stat Report 2021/20

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Important changes to your rights at work in Victoria

The Victorian Government has introduced some very important changes to workplace laws which are significant improvements on your rights at work.

It took some time and a lot of advocacy and campaigning, but the Victorian Government finally enacted two important changes – the introduction of wage theft laws and changes to workers' compensation to acknowledge mental health injuries and support.

From 1 July, both of these important changes came into force. But what do these changes mean?

If you experience a work-related mental injury, and submit a claim for workers' compensation, the changes now mean you can access early treatment and support. This is especially important as it gives a worker early access to treatment and support while waiting for the outcome of the claim to be determined.

Unlike in the past, you only received treatment and support once your claim was established. Importantly, workers can access up to 13 weeks of treatment and support even if the claim is rejected.

There's no need for a mental injury diagnosis to access the treatment and the changes mean those claims with mental injury claims must now be processed faster.

These changes to workers' compensation are significant and very positive for workers. They also represent steps in the right direction in that mental health and mental injuries are finally being given the recognition they deserve, albeit more needs to be done but it represents great first steps.

The other significant change that came into force on 1 July 2021, are the state's new wage theft laws.

Now employers who are shown to have deliberately withheld wages or other entitlements like superannuation could be prosecuted and fined up to \$991,320 for companies or \$198,264 for individuals. They could also be sentenced to up to 10 years jail.

The objective of this legislation is to act as a real deterrent to wage theft. For years, the union has taken on case after case of blatant and systematic underpayment, or what is now known as wage theft, from employers who decided that applying the wage entitlements from our agreement is too much work. The introduction of these laws is a clear indication about the prevalence of wage theft across a range of profession and industries including ours.

The newly created Wage Inspectorate Victoria will have the power to investigate and prosecute cases of wage theft. Inspectors will be able to enter workplaces with or without the consent of employers to inspect and seize documents. Of course, there are opportunities for unions to bring cases of wage theft before the inspectorate.

These are important and significant changes. We know that when members are not paid what they are entitled to be paid, it can force a member into difficult financial situations making hard decisions about whether to pay rent or mortgages and putting food on the table.

It's also important because members who find themselves being underpaid may feel unable to speak out about it or not know how to go about proving it and whether its systematic. The Union will continue pursuing wage theft issues and we encourage members who believe they are being underpaid to contact us for advice.

The Victorian Government is to be congratulated on delivering wage theft laws, despite the strong opposition to them by the Victorian Liberal Party and business lobby groups, and taking the first steps to recognising mental health in the workplace.

I also want to take this opportunity to touch on the fact that this week is NAIDOC Week.

It's an important week to celebrate the achievements, culture and history of Aboriginal and Torres Strait Islander peoples. As a Union committed to supporting efforts to acknowledge and redress the wrongs of the past; I'm proud that our Union's management committee's (HSU and MSAV) unanimously adopted the resolution below on behalf of our members:

"The Health Services Union Victoria No 4 Branch recognises the significance of the 2017 Uluru Statement from the Heart. HSU#4 supports the call for an indigenous Voice to Parliament being included in the Australian Constitution, as part of action on Voice Treaty Truth. Enshrining a Voice to Parliament in the Constitution will give Aboriginal and Torres Strait Islander peoples a say on the policies and laws that impact on them."

Please check out our piece highlighting the many ways you can help celebrate NAIDOC Week; then read some great articles in our *Worth Reading* section.

Finally, with the further easing of COVID-19 restrictions our staff will return to working from our office from Monday 12 July. However, you can always raise any issues you may be experiencing at work by emailing us at enquiry@msav.org.au

In solidarity
Paul Elliott
Secretary



Positions not backfilled?



Let us know

Union Round Up

Underpayment of Higher Qualifications Allowance

The Union recently sent public sector members an email about errors in the calculation of Higher Qualification Allowances.

We'd like to thank members for their feedback about their Higher Qualifications Allowance experiences.

It appears that the miscalculations of the allowances may be quite widespread and certainly appear to go much further than the Melbourne Health payroll network.

Unfortunately, we're not able to respond to every individual email we've received on this this matter.

However, it's important to let members know that the Union has requested that the Department of Health take the lead in coordinating an audit across all Public Health Services which are party to our Agreement.

By having a centralised approach, we think it will ensure that they rectify mistakes across the state in how this entitlement is applied and correct underpayments for all current and former employees in a systematic way. The Union does expect that any process to audit the payrolls of the state's Public Health Services will take some time.

The Union is determined to ensure that this matter is resolved, and we look forward to working with you where necessary to recover the pay to which you're entitled.

Changes to workers' comp in Victoria

There have been some important changes to the Victorian Workplace Injury Rehabilitation and Compensation Act which came into effect on 1st July.

Eligible workers in Victoria who have a work-related mental injury, and submit a claim for workers' compensation, the changes now mean:

- Early access to treatment and support: The worker will have early access to treatment and support while they wait for the outcome of their claim (payment for this support is called "provision payments")
- The "provisional payments" are designed to ensure workers with a work-related mental injury have access to reasonable treatment and services while their claim is being determined
- Up to 13 weeks even if claim rejected: If a worker's claim is rejected, WorkSafe will continue to cover reasonable costs for up to 13 weeks

To be eligible, you need to be:

- a Victorian worker;
- And not have another duplicate/existing claim
- A mental injury diagnosis is not required to receive provision payments
- Mental injury claims must now need to be processed faster. Employers need to notify their agent within 3 days and forward a worker's claim forms within 10 calendar days.

These changes are good for workers!

You can get more information here: <https://www.worksafe.vic.gov.au/victorias-new-provisional-payments-work-related-mental-injuries>

Special Leave for COVID-19 vaccines

Below is what is being advised by the Victorian Department of Health with respect to employees in the public sector who have an adverse reaction after receiving a COVID-19 vaccine (emphasis is ours):

Where an employee experiences an adverse event after receiving a COVID-19 vaccine

Employees may experience minor side effects after receiving the COVID-19 vaccination. There is some overlap between an expected adverse event following immunisation (AEFI) following the COVID-19 vaccination and the presenting symptoms of COVID-19. This can lead to uncertainty around requirements for testing and isolation in a person with symptoms following vaccination.

The Department of Health has issued Recommendations for testing and isolation following COVID-19 vaccination which provide guidance on distinguishing AEFIs from other symptoms of illness that an employee may experience.

Where an employee is required to isolate in the circumstances described in the Recommendations for testing and isolation following COVID-19 vaccination, the employee has access to paid Special Leave for the requisite period of isolation.

Paid Special Leave should also be made available to an employee who was prioritised in Group 1A or Group 1B to receive a COVID-19 vaccination and who suffers an AEFI that does not require them to isolate, but does result in them being unable to attend work because of the symptoms experienced. To access paid Special Leave in this circumstance, the employee is required to provide a medical certificate confirming that the reason for not attending work is due to an AEFI that does not require them to isolate.

In this instance, paid Special Leave will be capped at a maximum of two days per COVID-19 vaccination received, or four days of leave in total per employee across all COVID-19 vaccinations received by the employee in 2021.

Employers should retrospectively authorise paid Special Leave to an employee who has already received a COVID-19 vaccination as part of the Group 1A or Group 1B vaccinations and took Personal Leave for any absence that resulted from an AEFI that did not require them to isolate. The evidentiary requirement may be waived in such cases and the employee may have their Personal Leave recredited.

Employers should assess such situations on a case-by-case basis.

Membership Fees and Invoices

Members paying subscriptions annually should have now received their invoices by email sent on 15/6/21. We want members to know that our BPAY account details have changed and that you should use the one's on their current invoice. Members who have not yet paid the current 2020/2021 FY subscription, or haven't received an invoice, please contact Anastasia at anastasiap@msav.org.au to receive another one or to pay by credit card over the phone by calling on 9623 9623. 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 at 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>

NAIDOC Week - Heal Country

This week is [NAIDOC Week](#) and the theme this year is Heal Country and one of the first ways to heal country is to know the name of the country Australia's first people call the land on which you work and live. It's also a great theme that reminds us about the need to consider our impact on the land, water and air; and the important connection that Australia's first people have with the land.

NAIDOC Week is an opportunity to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. It's not just a week that is celebrated by Indigenous Australians, Australians from all walks of life celebrate the week.

If you want to be part of the celebrations, there are lots of different ways to celebrate NAIDOC Week. Here are 20 ways you can participate:

1. Virtually attend one of the many of the online events available in the [NAIDOC Week Official Calendar](#)
2. Download and display this year's [NAIDOC Week poster](#) or look through the [previous poster gallery](#).
3. Call someone in your community to have a chat about this year's theme '[Heal Country!](#)' and what it means to you

4. Watch special NAIDOC Week programming on SBS/NITV and ABC
5. Learn more about the Country on which you live and work using the [AIATSIS Map of Indigenous Australia](#)
6. Find a book to read, written and published by Indigenous authors and illustrators through [Magabala Books](#) or suggest one for your next book club
7. Check out some music and podcasts from Aboriginal and Torres Strait Islander creators on [Indigitube](#).
8. Take a look at how you can support Indigenous businesses through the [Supply Nation Indigenous Business Direct](#).
9. Learn more about how to deliver an [Acknowledgement of Country](#)
10. Find out more about the [history of the Aboriginal and Torres Strait Islander flags](#) and how you can [fly them](#).
11. Get creative in the kitchen using Australian bushfood and native ingredients such as kangaroo, macadamia or lemon myrtle.
12. Use this year's theme to connect to Country by going for a walk (if restrictions permit), exercising outside, visiting a local park or gardening.
13. Research Aboriginal and Torres Strait Islander history or start some [family history research](#).
14. Host an online quiz and test the knowledge of your friends and family on Aboriginal and Torres Strait Islander cultures or histories.
15. Be inspired by Aboriginal and Torres Strait Islander art and crafts or get creative at home.
16. Try [colouring in the NAIDOC Week poster](#).
17. Consider nominating someone for a [National NAIDOC Award](#). While submissions for the National NAIDOC Awards are currently closed, you can begin preparing nominations for the 2022 awards for when they open later this year.
18. Visit the Aboriginal or Torres Strait Islander exhibitions of museums and galleries in-person or [online](#).
19. Plan your Australian travel bucket list including Indigenous sites of significance or interest.
20. Join the conversation online using the NAIDOC Week hashtags #NAIDOC2021, #NAIDOCWeek and #HealCountry

If you want to read more about NAIDOC Week and why this year's theme is so important check out this article in The New Daily by Bhiemie Williamson: <https://thenewdaily.com.au/news/indigenous-news/2021/07/06/naidoc-call-to-heal-country/>

Family and Domestic Violence Leave Review

In 2014/15, as part of the Fair Work Commission's (FWC) four yearly review of modern awards, the Australian Council of Trade Unions made an application seeking to include a new entitlement of paid family and domestic violence leave in all modern awards.

In 2018, the Fair Work Commission decided to vary 123 modern awards to include an entitlement to 5 days unpaid leave to deal with family and domestic violence ([\[2018\] FWCFB 1691](#)). In December 2018, the Commonwealth Parliament amended the Fair Work Act 2009 (Cth) to include ss 106A to 106E, which provided for an entitlement to 5 days unpaid family and domestic violence leave as part of the National Employment Standards (NES). In the 2018 decision, the Commission proposed to conduct a review in June 2021 to consider the following issues:

- whether employees should be able to access paid personal/carer's leave for the purpose of taking family and domestic violence leave;
- whether any changes are needed to the unpaid leave model term;
- whether provisions should be made for paid family and domestic violence leave.

On 15 April 2021, the FWC commenced the 2021 Family and Domestic Violence Leave Review. **Hearings are currently scheduled to occur in the week of 29 November in Melbourne.** The precise date will be confirmed closer to 29 November 2016. **The ACTU's witness statements are due to be filed by 23 July 2021.**

Request for Witnesses

The ACTU is seeking witnesses who can provide evidence to the FWC about their experience of working with people experiencing family and domestic violence, including any need to take time off work, and whether that is possible, affordable, supported by the employer or not etc. There is no need for witnesses to be experts in all matters related to family and domestic violence; the only requirement on a witness is to give factual information about what the witness personally has directly observed when working with people experiencing family and domestic violence.

Witnesses are required to assist the Commission by providing factual information about their direct experiences. It is not the role of a witness to support the application of the ACTU or be an advocate for the ACTU or any other party. A witness's overriding duty is to assist the Commission to obtain the factual information it needs to make a decision about whether provisions should be made for paid family and domestic violence leave.

Time Commitment

Initially witnesses need to be available for one or two interviews with the ACTU's legal counsel to prepare and finalise a witness statement. These interviews can be conducted in person or via zoom, and either in or outside working hours. A written witness statement will then be drafted. Once the witness has confirmed the accuracy of the written statement, it is filed with the FWC. We can request the FWC for the statement (or parts of it) to be made confidential if it discusses sensitive information. Witnesses then need to be available (usually just for one day or part day during working hours) to attend a hearing in the FWC in Melbourne in November 2021 (exact date will be confirmed closer to the time) to answer any questions about their statement. There may also be facilities to give remote evidence if it is impossible for witnesses to attend in Melbourne.

If you are prepared to be a Witness, please contact the Union at enquiry@msav.org.au

Leadership scholarships for women in the health sector

Women & Leadership Australia is offering professional development scholarships are open to women across the health sector.

[Women & Leadership Australia \(WLA\)](#) supports emerging, middle, and senior women leaders across all sectors and industries. Our career-defining leadership programs bring together a focus on applied learning with the latest in leadership theory and practice. We believe that advancing gender equity, especially in leadership, is central to creating a more fair and inclusive society.

Scholarships of \$1000-\$5000 per person are available for women in the health sector

To encourage more women to step into leadership roles across the health sector, WLA is offering scholarships for three leadership development courses.

Apply by 10 September or find out more by clicking here: <https://www.wla.edu.au/health.html>

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: 'Although we didn't produce these problems, we suffer them': Three ways you can help Heal Country

"NAIDOC Week has begun and, after several tumultuous years of disasters in Australia, the theme this year is Heal Country.

In the past two years, Australia has suffered crippling drought that saw the Darling-Baaka run dry, catastrophic bushfires, and major flooding throughout coastal and inland areas of Australia's east.

Just two weeks ago, UNESCO's World Heritage Centre recommended one of our national treasures, the Great Barrier Reef, be listed as in danger.

If these events, and the thought of other inevitable climate change-driven disasters sadden or madden you, consider how it impacts Indigenous peoples."

Read the entire article by Bhiemie Williamson in The New Daily at: <https://thenewdaily.com.au/news/indigenous-news/2021/07/06/naidoc-call-to-heal-country/>

Worth Reading: Disposal of heritage material a devastating blow to Traditional Owners and science

"An archaeologist who works with Eastern Guruma Traditional Owners has called the destruction and loss of cultural heritage materials by Rio Tinto a heartbreaking setback for science.

Dr Kathryn Przywolnik is the Heritage Manager at Wintawari Guruma Aboriginal Corporation, the organisation that recently lodged the explosive submission to the Juukan Gorge inquiry exposing the alleged disposal of heritage material from Rio Tinto's Marandoo operation at the Darwin rubbish tip.

"It means that we're losing not just the material culture itself, the objects and the artefacts that people have left behind, but we also lose all of the other remaining evidence that we can use to piece together how people lived during that time — what they were doing, how they related to the environment around them and to each other, all that has been lost as well," Dr Przywolnik told NIT.

Marandoo is now a mine site, with the caves and overhangs that housed Indigenous artefacts destroyed in the 1990s to make way for bulldozers and drilling rigs."

Read the entire article by Sarah Smit in the National Indigenous Times at: <https://nit.com.au/disposal-of-heritage-material-a-devastating-blow-to-traditional-owners-and-science/>

Worth Reading: Australia's poor human rights scorecard revealed

"The Human Rights Measurement Initiative (HRMI) tracker has again revealed Australia's poor results when it comes to Indigenous human rights and treatment.

Surveying experts and collating data analysis on civil, political, economic and social rights, the HRMI measures a nation's performance on all human rights covered by international law.

It found the majority of experts agreed Indigenous Australians had most of their human rights at risk.

Across the four key rights to education, food, health, and work, Australia averaged a 'bad' score of 78.85 per cent.

Fifty-seven per cent of experts surveyed identified a risk to education, 71 per cent identified a risk to health, and 61 per cent noted the right to housing was also at risk.

It was also identified that 71 per cent of experts believe Indigenous people are at risk of having their freedom from arbitrary arrest violated."

Read the entire article by Aaron Bloch in the National Indigenous Times at: <https://nit.com.au/australias-poor-human-rights-scorecard-revealed/>

Worth Reading: What did the public say about the government's Indigenous Voice co-design process?

"In January, the Australian government released the Indigenous Voice co-design group's interim report. This was followed by a public consultation process led by a senior advisory group, chaired by Marcia Langton and Tom Calma, and supported by the work of a national co-design group and a local/regional co-design group.

Together, these groups were tasked with advising the minister for Indigenous Australians, Ken Wyatt, on "options for models that will ensure that Indigenous Australians are heard at all levels of government – local, state and federal."

The public consultation process sought feedback on design options for the Voice, through written submissions, an online survey, public consultation hearings and closed stakeholder meetings. It concluded on April 30.

As public law academics working with the Indigenous Law Centre at the University of New South Wales, we have followed this process carefully and analysed all consultation documents."

Read the entire article by Dr Dani Larkin, Emma Buxton-Namisnyk and Gabrielle Appleby in The Conversation at: <https://theconversation.com/what-did-the-public-say-about-the-governments-indigenous-voice-co-design-process-163803>

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.