



Stat Report 2022/03

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Bendigo Health not enforcing contract terms

Scientists employed by Australian Clinical Labs (ACL) have raised a number of serious patient safety and OH&S issues with Safer Care Victoria. The Bendigo lab has been chronically understaffed since ACL took over, now to the point that the roster can't be filled, and scientists are finding it impossible to cope with routine testing volumes.

Instead of directly investigating the concerns themselves, Safer Care Victoria offloaded the responsibility to NATA, who coincidentally were scheduled to visit the lab on a follow up on items arising from the last accreditation audit.

It was pretty clear on the day that NATA came to the lab that they were not well informed on the issues raised in correspondence to Safer Care Victoria, issues that the MSAV was advised they were tasked to investigate.

After a perfunctory investigation by NATA Safer Care Victoria wrote to the MSAV and our member to inform us that NATA found there weren't any 'major concerns' in the lab. Needless to say, we do not accept this finding and are pushing for a full and independent investigation onto the issues in the laboratory.

Firstly, we are shocked that the Department of Health/Safer Care Victoria, which is an investigative authority passed the responsibility to investigate the safety matters to NATA, which is Commonwealth accreditation agency, not a safety body, and in our view not equipped to investigate broad safety issues,

Secondly, we are dismayed that Bendigo Health continue to refuse to act on evidence of quality and patient safety failures provided over the past 4 or 5 years, even in cases where the evidence points to serious contract non-compliance.

The current situation in the Bendigo Health pathology laboratory is a case study of the worsening failures of public health services to apply proper governance arrangements to pathology contracts.

The Bendigo issues also highlight our concerns about how stretched our public healthcare system is and the impact that re-starting elective surgery will have on members.

We are following up on what appears to be an utter failure of Safer Care Victoria to fulfil its responsibilities to patient safety.

Members should know that the Union continues to pursue the Victorian Government over their pandemic surge payment scheme.

Unfortunately, they continue to remain deaf to the reality of the situation members face, and the real risks members have of being exposed to COVID in order to deliver healthcare.

While access to PPE has improved, it still does not mitigate the risk members face of being exposed as they go about their work delivering healthcare.

On a different note, the VPA has secured a new PI Insurance policy which now gives VPA members coverage for abuse allegations and working in private practice coverage. There are more details about the new policy in this edition of STAT Report.

As I regularly like to remind members, if you have workplace issues or concerns, please contact us by calling on 9623 9623 or emailing us at enquiry@msav.org.au

Reporting issues is the best way we can resolve matters and concerns; if you don't report your issues, we won't know about them.

In solidarity
Paul Elliott
Secretary

Commented [PE1]:

Positions not backfilled? Let us know

Union Round Up

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.

Casual workers: Have you been offered casual conversion?

The National Employment Standards have changed to insert casual conversion provisions.

Employers were required to assess whether existing casual employees were eligible to be offered permanent employment under the new entitlements by *27 September 2021*.

If you are a casual employee, you should have received correspondence from your employer around this date, offering or denying permanent work.

If you work permanent hours and didn't receive this invitation, or you received advice that your employment would not be converted, get in touch if you would like support. Email enquiry@msav.org.au

VPA PI Insurance now covers Private Practice

One of the benefits of joining the Victorian Psychologists Association is that membership includes Professional Indemnity Insurance.

The VPA always works to ensure members have the best possible Professional Indemnity Insurance. To keep up with changes in the insurance landscape, we've changed our coverage provider and policy.

One of the biggest changes, and one that we're really excited about, is that our **new policy covers members working in private practice!**

The new policy includes some important changes, including:

- The new policy now includes cover for private practice, where the private practice income does not exceed \$100,000 per annum
- Complaints to AHPRA, coronial inquiries, investigations etc are covered with maximum legal costs of \$100,000
- The policy includes cover for claims of 'Abuse' including sexual harassment, provided that the insurer will not pay where the accused is found to have committed the abuse. It covers legal costs of up to \$500,000
- All other complaints of professional malpractice leading to 'bodily injury' – the definition of which includes mental anguish, mental injury – is covered for up to \$2,000,000, including legal costs and compensation.
- There is run-off cover for 7 years, as required by AHPRA

Don't worry, the new Professional Indemnity Insurance policy meets the Psychology Board of Australia registration requirements and AHPRA's requirements for insurance coverage.

As a member you get access to **professional advice** and assistance with workplace issues, **representation** in the negotiation of workplace agreements, **advocacy** for the profession, and, among other things, Professional Indemnity Insurance.

By maintaining your VPA membership you will always be covered whether you work in community, public or private practice.

The VPA delivers members fantastic value. Share this great news with your colleagues so more of Victoria's psychologists can be covered at work.

Covering private practice is a major change we're proud and excited about! It's another way we're keeping members covered at work.

The new Professional Indemnity Insurance policy is provided by Tego, a specialist healthcare indemnity underwriter.

Public Holiday Pay

We hope payment for the Australia Day public holiday has been easier for our health services to process than the ones during the Christmas and New Year period. It seems some health services continue to be confused about what they are required to pay under our agreement.

If you're finding your health service hasn't paid you correctly, here's how you should have been paid to cover the public holidays over the Christmas and New Year period, or for any public holiday for that matter.

For time worked on a public holiday occurring on a weekday, the pay rate is 200% of the normal rate. For time worked on public holidays on a weekend day, the rate is 250% of normal pay. For casuals, the loading is paid on top of these rates.

If you worked on both Christmas Days, both Boxing Days or both New Year's Days, you receive the weekend penalty for the actual day (not the public holiday rate) and the public holiday rate for the additional day.

If you work part of the day on a public holiday, you must receive a minimum of four hours pay at the public holiday rate.

For days not worked, it gets a bit more complex.

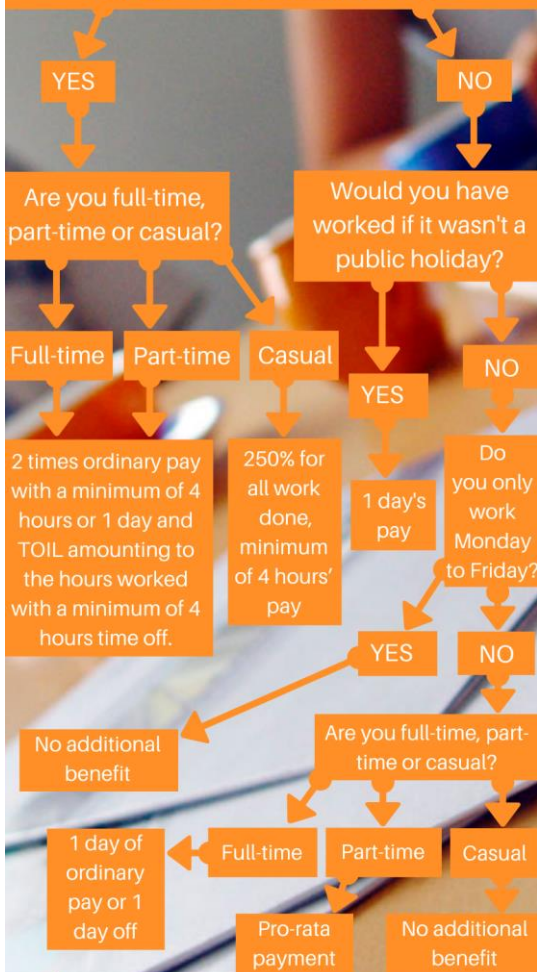
- Full-timers and part-timers who only work Monday-Friday get no benefit for a public holiday on a Saturday or Sunday.
- Full-timers and part-timers who only work Monday-Friday get a normal day's pay for a public holiday on a weekday that they would normally work.
- Full-timers who work the roster and have an RDO on a public holiday receive an additional day's pay or a day in lieu (your choice)
- Part-timers who work weekends get pro-rata pay according to the formula in the table for public holidays occurring on a day which they would not normally work.
- Part-timers who work **weekdays only** get pro-rata pay for weekday public holidays occurring on a day which they would not normally work
- Casuals receive no payment for not working on public holidays.

The flow chart below provides a visual representation.

This mostly applies to members working in the Public Sector, however, if you work in the Community and Private sectors the provisions are similar in many cases. If you're unsure as to whether you have been paid correctly for recent public holidays, please contact the Union at enquiry@msav.org.au

Public Holiday 2022 Payments

Did you work that day?

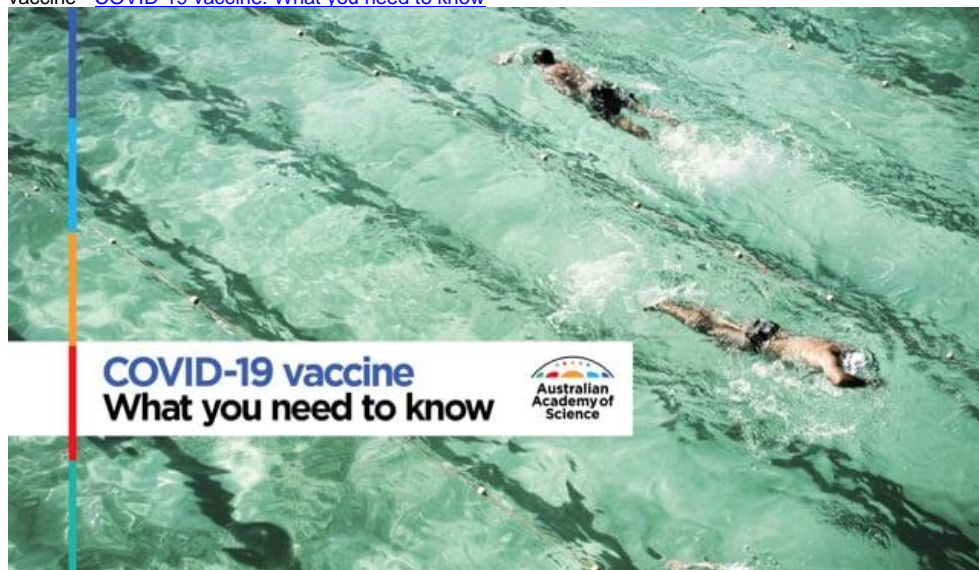


COVID-19 Vaccinations

With the Omicron variant rapidly spreading and the seemingly increasing threat it poses, the Union strongly supports members getting a COVID-19 vaccine as soon as you can; after all we support science and the science that's behind the vaccines.

There are special leave provisions available to help you get a COVID-19 vaccine, which we've covered in *Union Round Up*

Check out this great video from the Australian Academy of Science on what you need to know about COVID-19 vaccine - [COVID-19 vaccine: What you need to know](#)



The Australian Academy of Science has some great resources about COVID-19 and the vaccines, which you can access and share with your family and friends. [You can find those resources here.](#)

If you have any queries regarding the vaccine rollout and how it may impact you, please contact the Union at enquiry@msav.org.au

Contacting the Union

Members can ring the Union to seek support, advice and assistance with workplace issues.

MSAV: (03) 9623 9623
VPA: (03) 9623 9625
AHP: (03) 9623 9624

As always members can raise workplace issues by emailing the Union at enquiry@msav.org.au

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: First impressions count, and have an impact on the decisions we make later on

"Picture yourself standing at the edge of a road, trying to decide if it's safe to cross. It's night time and rain is falling, making it difficult to see what's up ahead. After looking both ways, you step onto the road.

But what if this was a poor choice? Perhaps you've misjudged the speed of an approaching car. How does your brain realise its error and correct things before it's too late?

Experiments in cognitive psychology and neuroscience have taught us we make decisions by integrating information over time – that is, our brains collect and “add up” information across a very brief window of time, often only tens to hundreds of milliseconds, to form a clearer picture before committing to an action."

Read the entire article by William Turner, Daniel Feuerriegel and Stefan Bode in The Conversation at: <https://theconversation.com/first-impressions-count-and-have-an-impact-on-the-decisions-we-make-later-on-175034>

Worth Reading: Summer of our discontent changes political calculus

"So much for the lazy, hazy days of summer giving the nation a break from our politicians and providing a reset for the bungling Morrison government.

Scott Morrison has scarcely been absent from our TV screens, where he frantically lays blame elsewhere and looks on the bright side of a very dark situation he had done little to adequately plan for.

The ill-considered and premature opening up of our domestic borders with a lifting of restrictions on mask wearing and social distancing has by any measure been a disaster.

Sure the states share the blame here, but they were urged on by the Prime Minister who shunned an effective national leadership.

The rising death toll and explosion in infections are a direct result of the failure to provide adequate safeguards to cope with these new “freedoms”."

Read the entire article by Paul Bongiorno in The New Daily at: <https://thenewdaily.com.au/news/2022/01/18/paul-bongiorno-morrison-discontent/>

Worth Reading: A short history of the Aboriginal Tent Embassy – an indelible reminder of unceded sovereignty

"Often people think about the Aboriginal Tent Embassy as something historic, dating back to the 1970s. But it should also be thought of as a site of the longest protest for Indigenous land rights, sovereignty and self-determination in the world.

In fact, this year, the Tent Embassy is set to celebrate its 50th continuous year of occupation. Demonstrating its significance to Australian history, it was included on the Commonwealth Heritage List in 2015 as part of the Old Parliament House precinct.

In this momentous year, it's worth remembering how the Tent Embassy came to be and what it has continued to stand for since its erection in 1972 – and the significance it still has today."

Read the entire article by Bronwyn Carlson and Lynda-June Coe in The Conversation at: <https://theconversation.com/a-short-history-of-the-aboriginal-tent-embassy-an-indelible-reminder-of-unceded-sovereignty-174693>

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.](#)



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