



## Stat Report 2022/05

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### A case study of critically unhealthy OH&S

MSAV members recently raised their concerns about the impacts severe understaffing is having on their welfare and the safety of the laboratory operations.

The Bendigo Health public pathology laboratory is operated under an outsourced contract arrangement by Australian Clinical Laboratories. Staffing levels in the laboratory have reduced steadily over the term of the contract and are currently at such a depleted level that some shifts are staffed at 50% below the level necessary to operate the laboratory safely; both for patients and staff.

Depleted staffing levels in this lab has not occurred through misfortune or accident. The single biggest factor is the ACL business model approach, which is an unsophisticated strategy of reduce operating costs anyway possible, which involves not much more than a fixation on reducing staffing, the single largest operating cost in running a lab.

So with gusto ACL set out to reduce the number of scientists and other scientific staff in the laboratory to achieve their current record levels of profit. Necessary in this strategy is a compliant contract partner who is all too willing to buy into the 'Putinesc' spin of ACL and agree to the changes readily believing that the labs performance at reduced staffing levels has in fact improved.

So pleased have Bendigo Health been with ACL's masterful management of its laboratory they decided to award the company with a contract extension.

The second factor is that as a result of ACL's pursuit of its business model goals (ie reduce costs and staffing) it has now earned the reputation of being the worst of the worst private pathology employers, and scientists are not interested in working for them. Therefore, they now find it next to impossible to recruit experienced scientists in Bendigo, and all of their other labs.

Desperate to try and have the lab safety issues resolved, scientists raised their concerns in writing with Safer Care Victoria.

A woeful tale of how to bury genuine safety issues then ensued. Rather than fully investigate the urgent safety issues raised with it, the safety authority (Safer Care Victoria) hand balls the issues to NATA, the Commonwealth's private accreditation body, which is not a safety authority, and does laboratory accreditation work, not safety investigations.

NATA visited the site for a few hours, talked to ACL management, then leave without discussing the safety issues with any of the scientific staff, and issue what we are now told is a 'commercial in confidence' report that MSAV members and the union will not be given a copy of. The report we have been told by the Department of Health apparently says they (NATA) didn't observe any matters that concerned them, and certainly none that were significant enough to talk to any scientists about. Surprised?

The MSAV protests very loudly about this appalling so called safety investigation and demands serious action in relation to the safety issues. Department of Health officials boldly interrogate Bendigo Health officials about the details of the safety issues, and are told, apparently, that there is nothing to the issues and that the hospital is satisfied there is nothing in the safety matters raised. Sound familiar?

The Department concludes that based on the discussion with Bendigo Health, there is nothing to see.

Another familiar pattern that is worth mentioning is that no one from Bendigo Health has spoken to scientists in the laboratory to find out directly from them the details of their concerns. Frighteningly, throughout all of the so called 'investigations', not a single person has spoken to scientists in the laboratory – these are the scientists that raised the issues and have the detailed information critical to investigating the safety issues raised and making a sound finding on them. How else could an investigation be conducted?

The last advice from the Department boffins is that there doesn't appear to be problem in the Bendigo Health laboratory because the issues have been investigated and nothing was found.

The model of safety investigations in health has very large holes in it. The Union was told that Safer Care Victoria, which was established following the recommendations of the Djerriwarrh report, has a hands-off approach and mostly seems unwilling to investigate safety issues. Safer Care Victoria were apparently more concerned about whether or not they have the legal jurisdiction to talk to the employees of a private contractor, despite the fact they are working in a public pathology service.

Likewise, the Department has twisted itself into knots about technical legal questions in preference to addressing serious safety issues.

A very concerning dimension to this terrible mishandling of the laboratory safety issues in the Bendigo Health pathology service is that the same Department is midstream in planning major pathology reform. The Union needs to have absolute confidence through this planning process that planners are not going to be jumping at every shadow thrown by private pathology companies.

However, given the importance of reforming public pathology services, the Union will remain a part of the process. We will not walk away from reforming public pathology services, especially given the years of lobbying and advocacy the Union has done around this issue.

In this edition of STAT Report, we've highlighted that Community Sector bargaining will begin this year and there is an important response from the VPA to the Mental Health Workforce Strategy, arising from the Royal Commission into Victoria's Mental Health System.

We have also highlighted an opportunity for members to make personal submissions on the proposed new psychological health regulations that will be introduced as part of Victoria's Occupational Health and Safety legislation.

Please contact us to report workplace issues by calling on 9623 9623 or emailing us at [enquiry@msav.org.au](mailto:enquiry@msav.org.au)

In solidarity  
Paul Elliott  
Secretary

**Positions not backfilled?**

**Let us know**

## Union Round Up

### **Public Holiday Pay**

The Union continues to receive enquiries about public holiday pay, especially as it relates to the public holidays over the Christmas and New Year period. It is disappointing that health services continue to fail to pay members correctly for these public holidays as per the agreement.

From the enquiries we have received to-date, it appears this is a problem being experienced mostly by members working in the public health sector.

It also appears that members making their own enquiries are being told that they have been paid according to the advice from the Victorian Hospitals Industrial Association (VHIA) and then telling members that the Union signed off on the matrix. Firstly, they are, more often than not, referring to the wrong part of the matrix and, secondly, the matrix is something the VHIA circulates to public hospitals independently of the Union and hasn't been "signed off" by the Union.

Please continue reporting your concerns as the Union follows this up with public health services and the VHIA.

### **Bargaining at Forensicare**

The Union will be meeting with Forensicare next week to discuss the process for negotiations for a new enterprise agreement.

We will be sure to keep members informed about the progress of negotiations. However, if you have any questions, please don't hesitate to contact Lisa at [lisaa@msav.org.au](mailto:lisaa@msav.org.au)

### **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](mailto:enquiry@msav.org.au)

## VPA calls on Department to appoint Chief Psychologist and increase EFT

Following the release of the Final Report of the Royal Commission into Victoria's Mental Health System, the VPA has invested resources to engage with the Department in consultation.

In December last year, the Department published the anticipated Mental Health Workforce Strategy. [You can find a copy of the strategy here.](#)

The Strategy Paper aims to set out a coordinated and strategic approach to deliver the diverse, skilled and multidisciplinary workforce required for Victoria's reformed mental health and wellbeing system. From our perspective, it is not meeting this aim.

This week, the VPA took the opportunity to formally respond to the Strategy. [A copy of our response is here for all members to see.](#) Let us know your feedback.

Among other things, the VPA is calling on the Victorian Government to:

- Appoint a Chief Psychologist, so that there is a voice for psychology in the Department of Health;
- Work with the Commonwealth Government to increase CSP places for clinical, forensic and neuropsychology postgraduate courses, to help address a looming shortage; and
- Address supply and the outsourcing of psychology services in Victoria, by creating a workforce strategy which allocates additional funding for new psychology positions in public mental health.

Please get in touch with Lisa at [lisaa@msav.org.au](mailto:lisaa@msav.org.au) to let us know your thoughts, what matters to you and what we should be advocating for on behalf of the Union.

## Community Health Bargaining

The Community Health Agreement expired in December 2021. [A copy of the current Agreement can be found here.](#) This Agreement covers Audiologists, Dietitians, Pharmacists and Psychologists working in Community Health Services across Victoria.

In the next couple of months, we will start engaging with members to understand what you want to see in your next Enterprise Agreement.

Before this happens, talk with your colleagues, start thinking about what matters to you and your teams, and encourage your colleagues to join the Union. We're stronger when we bargain together.

## Proposed new Psychological Health OHS regulations

The Victorian Government committed to introduce regulations to address psychological health in May 2021.

The government recognised that workplaces need to be safe places for the mental well-being of workers. It strengthens existing occupational health and safety requirements in our workplaces which have long been designed to cater to risks that could cause physical harm to workers.

WorkSafe was tasked with preparing the Occupational Health and Safety Amendment (Psychological Health) Regulations.

The proposed regulations will strengthen the occupational health and safety framework and will recognise that hazards that pose a risk to psychological health are no less harmful to workers' safety and wellbeing than physical hazards.

The proposed regulations are now available for public comment.

You can get more information and details on how to make a submission at: [Proposed OHS Amendment \(Psychological Health\) Regulations | Engage Victoria](#)

## The Climate Health Emergency

We know there's an emerging climate health emergency and we're already experiencing the impact of climate change.

We also know that members are already dealing with the health impacts the changing climate is having on our health and well-being.

One of the most effective ways of drawing attention and raise awareness is for health professionals, like our members, to speak out about climate change and its impact on our mental and physical health and well-being.

As respected members of our community members have a unique position to help raise awareness.

However, we also know that not everyone has the confidence or knowledge about how to have conversations with their friends, family and colleagues about the impacts on our health from climate change.

That's why we're working with the Climate and Health Alliance (CAHA) to give members helpful tools on how to talk about climate change.

Discover tools to help you have conversations about climate change at: [https://www.caha.org.au/talk\\_climatehealth](https://www.caha.org.au/talk_climatehealth)

## COVID-19 Vaccinations & Boosters

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.

We also strongly support members getting their booster shot as soon as possible.

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](mailto: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](mailto: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: How humid is it? 3 things to keep you cool in a hot and sticky summer (and 3 things that won't)

"La Niña has resulted in a humid summer for much of eastern Australia.

This climate pattern typically causes warm, humid air to rise from the western Pacific Ocean, ultimately leading to greater cloud formation, increased rainfall, and higher humidity along Australia's eastern seaboard and tropical north.

So what's the best way to cope with what's left of a hot and humid La Niña summer?"

Read the entire article by Connor Graham and Ollie Jay in The Conversation at:

<https://theconversation.com/how-humid-is-it-3-things-to-keep-you-cool-in-a-hot-and-sticky-summer-and-3-things-that-wont-176365>

## Worth Reading: Veteran power worker explains why an early end to coal-fired electricity is inevitable

"We've had news on Thursday that another two old Australian coal power stations will close earlier than planned.

As someone who has worked in coal power stations for more than 40 years, I can tell you that closure dates being brought forward is no longer surprising, and is in fact now inevitable.

Energy giant AGL brought forward the closure dates of Loy Yang A – close to where I grew up in Morwell, in Victoria's Latrobe Valley – from 2048 to 2045, and Bayswater in NSW's Hunter Valley from 2035 to 2033.

I believe these new closure dates are still overly generous, and not an accurate representation of where the outdated coal industry is heading."

Read the entire article by Tony Wolfe in The New Daily at: <https://thenewdaily.com.au/opinion/2022/02/12/early-end-to-coal-fired-power-inevitable/>

## Worth Reading: Stronger laws on 'foreign' election influence were rushed through this week – limiting speech but ignoring our billionaire problem

"In case you missed it, election season is upon us again. Like the elongated summers caused by climate change, campaigning is intensifying and being spread over longer periods every election.

Although polling day is not due until May, this year's campaign kicked off nine months out with billionaire Clive Palmer's plunge into spam texts, and big spending on YouTube ads and billboards.

Campaigning may be well under way, but the rules governing the election are still being finessed. Some of this is administrative and technological, such as tweaks to ensure COVID-safe voting at polling places.

However, in the past week, a more substantial campaigning bill sailed through parliament. Its title, the Electoral Amendment (Foreign Influences and Offences) Bill 2022, is clunky, but suggestive."



Read the entire article by Graeme Orr in The Conversation at: <https://theconversation.com/stronger-laws-on-foreign-election-influence-were-rushed-through-this-week-limiting-speech-but-ignoring-our-billionaire-problem-177147>

## 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.