



Stat Report 2014/03

Frequently Asked Questions about Maternity and Parental Leave

We've been receiving a number of enquiries regarding maternity and parental leave, especially around the notice period before taking leave and what happens with returning to work after maternity or parental leave. So here we provide some general information regarding some of the most frequently asked questions about maternity and parental leave.

The National Employment Standards (NES) contains legal entitlements to unpaid parental leave. The NES can be supplemented by your EBA which often makes determining the notice requirements and right to return from maternity leave difficult. The EBAs also contain provisions for paid maternity leave. In many cases, maternity leave is only available where a female employee has more than 12 months continuous service with the employer. In the public sector, previous service with another public sector employer may count as service. The entitlements of casual employees are even more complex.

How much notice do I have to give that I want to take maternity leave?

You need to give at least ten weeks' notice of the expected date of birth, and at least 4 weeks' notice of the intended starting date of maternity leave.

Can I extend my maternity leave beyond 12 months?

Yes, you have the right to request the extension of the period of maternity leave by giving the employer written notice of the request for extension at least 4 weeks before the end date of the leave. The employer must respond in writing within 21 days, and can only refuse the request on reasonable business grounds. If your request is refused, the employer must include details of the reasons for refusal in the written response.

Can I go back to work part time?

YES. You have a right to request that you return to work on a part time basis from maternity leave, so that you can effectively meet your responsibilities as a parent, until your child is school age. The employer can only refuse the request on reasonable business grounds.

Note: This does NOT mean that you have to give up your substantive full time position in order to go part-time while your child is under school age.

Can my role be changed while on maternity leave?

NO. You must be allowed to return to your substantive classification. If your substantive position no longer exists, relevant organisational change provisions will apply that is, consultation with you and the Union must occur before any proposed change is implemented.

If you have any questions, contact the office on 9623 9623 or enquiry@msav.org.au.

Australia Day Long Weekend

This weekend is the Australia Day long weekend and as a result of the public holiday the Union office will be closed on Monday.

If the Australia Day holiday falls on a day you normally work you are entitled to be paid for the day.

Remember, if you are a shift worker and the Australia Day holiday falls on your Rostered Day Off you are entitled to another day's leave.

Under the public sector EBA, part-timers who do not normally work on Mondays are entitled to a pro rata payment for the day.

It Pays to Belong to the Union

A public mental health service recently refused to provide a number of P2 psychologists with the required amount of supervision to enable them to obtain endorsement from the Psychology Board of Australia as Clinical Psychologists.

The relevant provision in the Public Sector Agreement states:

For the purposes of gaining specialist endorsement from the PBA, a Psychologist Grade 2 who holds a higher degree in clinical psychology or clinical neuropsychology pursuant to sub clauses 8.6.1(c) or (d) of this schedule shall be provided with professional supervision from a Psychologist Grade 3 or above that meets the requirements of the PBA.

The VHIA had advised the health service that they did not need to follow the requirements of the EBA - that somehow this was discretionary!

After the members contacted the VPA the matter was amicably resolved, with the health service agreeing to provide the supervision – and agreeing to reimburse the VPA members for the amount that they has spent on private supervision.

It pays to belong to the Union.

Is it time to pay blood givers?

The Medical Scientists Association of Victoria (MSAV) is warning that organisational changes being pursued by the Australian Red Cross Blood Service to implement a manufacturing model, and to be known as a 'great manufacturer', will reopen the debate about paying people to give blood.

"The Red Cross Blood Service, in its ideologically driven pursuit to become a so-called manufacturer, is putting at risk Australia's notion of donating blood," said Dr Rosemary Kelly, secretary of MSAV.

Dr Kelly continued:

"The nation's only blood collection, testing and processing service is slashing scientist positions from testing and processing blood donations, so the Red Cross Blood Service can become a 'lean' manufacturer."

"A so-called humanitarian organisation believes that by dumbing down the Red Cross Blood Service, and implementing manufacturing methodologies, they can improve productivity.

"If the Red Cross Blood Service believes it is a 'great manufacturer' then it's time to rethink the model of donations for collecting blood and it's time for a debate about paying people to give blood.

“It is the human body that actually manufactures blood so the Red Cross Blood Service should be required to pay for all input costs, including blood, for its business, just like any other manufacturer.

“And what makes these changes even worse is that the Red Cross Blood Service is one of the few non-government organisations in Australia that have their funding increased to ensure there is a safe and reliable blood supply.

“The drive to become a ‘great manufacturer’ is purely about saving a few dollars despite the Red Cross Blood Service returning surpluses for the last four years and being entirely funded by the Australian taxpayer.

“In light of the Red Cross Blood Service slashing scientist positions and dumbing down qualifications, the MSAV is calling on Australia’s health ministers to immediately investigate the impacts these plans will have on the safety and reliability of our blood supply.” Dr Kelly said.

The latest update on the Red Cross Blood Service

The Unions representing scientists in Victoria, New South Wales and Queensland met with the Red Cross Blood Service’s management before the end of last year to go over key questions around managing risks associated with reducing the scientific input in blood screening and testing, benchmarking used to justify the restructure and what rosters will be in place once the changes were finalised.

In particular the Unions met to discuss:

- Risk;
- Benchmarking;
- Selection timelines;
- Coverage of agreements; and
- Classification of positions.

Unsurprisingly, management at the Red Cross Blood Service provided little additional information.

However, it was particularly concerning when the Red Cross Blood Service refused to explain what risk management is in place to ensure the national blood supply is safe, claiming that everything would be alright and that we needn’t worry about it.

When it came to benchmarking, it was revealed that it was no more extensive than time and motion studies. The Red Cross Blood Service informed the unions that it was all about making sure more donations were processed more quickly. It was clear management had put little thought towards the fact that being faster didn’t always mean being safe.

For the coverage of agreements there was some movement with the Red Cross Blood Service indicating that some people would be able to remain under their existing Enterprise Bargaining Agreement. There still remains some work to do on classifications and this is strongly evidenced by the way in which redeployment is rolling out.

We are still in dispute about scientists employed as L+P3’s remaining under the scientists’ agreement in Victoria.

We have asked that the matter be relisted for another conference in the Commission and will advise when we have a date.

Over most of December and January we have been working with individual members on matters regarding redeployment as well as documenting the various issues arising from the process put into place by management. Whilst this work is less visible, it’s a very important part of the fight.

Make sure you [sign the petition](#) and let your family and friends know about it too.

You’ll also find great graphics to share through social media at <http://www.facebook.com/KeepBloodSafe>

We have a right to know

In February 2013 the MSAV made a Freedom of Information (FOI) request to Latrobe Regional Hospital (LRH) for information relating to the turnaround time performance of Gippsland Pathology. We sought information relating to what the pathology services contract provisions with Gippsland Pathology (Dorevitch/Primary Health) say about turnaround time requirement for pathology tests and if Gippsland Pathology are meeting those requirements.

This request was made following Gippsland Pathology's decision to slash the scientific workforce in the Traralgon laboratory (don't forget Gippsland Pathology is Dorevitch Pathology operating under a different name but suffering the same management). As a direct result of the reduced scientific workforce it became apparent that turnaround time performance suffered significantly; LRH medical staff immediately started to complain about delays.

There are two key issues: the first, relates to the question of health care standards and it is difficult to imagine why anyone would be denied this type of information, and the second relates to the performance of a contractor that has entered into a contract which requires it to perform at specified levels relevant to delivering a quality pathology service. For this the contractor is paid out of the public purse, so once again why wouldn't we have a right to know how it is performing in relation to contract requirements?

Initially LRH management rejected the Union's request, so we asked the FOI Commission to review their decision. After a protracted process and extensive written submissions the FOI Commission issued a decision stating that LRH must provide nearly all of the information requested by the Union.

Sensible decision, we believe. That would provide information that is useful for everyone – Union and the community, because as we argued in our submission the information primarily goes to the question of the standard of health care being provided by LRH to the community, and of course it is in the public interest that the community is informed.

The information will also clarify whether or not the contractor, Gippsland Pathology, is delivering pathology services to the standard required under the contract. This we say is also information that we have a right to know.

LRH and Gippsland Pathology argued that the information was of a commercial nature and therefore should be kept secret. Thankfully this argument has been rejected by the FOI Commission.

LRH accepted the FOI Commission's decision and were prepared to provide the information requested by the Union, or at least all of those parts that the FOI Commission said they must provide. In a surprising move, the contractor, Gippsland Pathology, is now appealing the FOI Commission's decision and has made an application to the Victorian Civil and Administrative Tribunal (VCAT) to have the FOI Commission's decision reviewed, or to be clear, overturned.

You have to ask yourself why Gippsland Pathology (read Dorevitch Pathology) is hell-bent on keeping the information we have requested secret. We could be forgiven for thinking that Gippsland Pathology does not want us, and the community, to know how it is performing.

We will keep members informed of developments in VCAT as they occur.

Calling all Models – Union Promotional Materials

The Union is updating and freshening up the various promotional and member materials we produce. You'll have seen our posters, leaflets and membership forms and it's been a little while since we've updated all of our materials.

We're proud to always include real members in our materials and in order to make sure our materials continue to have real members in them; we're inviting you to nominate yourself to be a model for us.

During the first week of February the Union will be doing a photo-shoot to capture all the pictures

we'll need to update our member and promotional materials. It will only take a couple of hours out of your day and the photos will be taken by a professional photographer.

If you're interested in being in the photo-shoot please contact Alex at alexs@msav.org.au or by calling 9623 9623 to arrange a time.

What's happening at The Angliss Pathology?

The Union has been notified of organisational change in the pathology department at The Angliss. Eastern Health has been cooperating with the Union by providing information regarding the organisational change and the potential impacts of the change.

The Union is currently reviewing the information supplied by Eastern Health and will be providing advice to members at The Angliss in the very near future.

Contact the Union if you have any questions.

Super Returns from Not for Profit Super Funds

On average not for profit government super funds like First State Super and not for profit Industry Super Funds like HESTA have been out-performing retail funds such as super funds run by banks and insurance companies.

Public sector funds showed the strongest rate of return for members over the ten-year period at 7 per cent, followed by industry funds at 6.7 per cent, corporate funds at 6.5 per cent and retail funds at 4.9 per cent.

This is great news for members of First State Super and HESTA. .

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](#)

Benefits for Union Members

As a union member, you can take advantage of the collective buying power of more than 1.9 million members to get discounts on a great range of products and services. ACTU Member Connect makes sure the products and services are from companies you can rely on to deliver high-quality products with reliable customer service.

There is more information about a range of other benefits union members can access at <http://www.memberconnect.com.au/> or you can call ACTU Member Connect on 1300 362 223.

Keep Blood Safe Hotline

Do you have a story about how changes at the Red Cross Blood Service are already affecting your work, or could likely affect your work?

Send them to alexs@msav.org.au or call 0432 364 515 - we'll make sure you remain anonymous.

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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.



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