UNION CONTACTS

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Important Union Reminders & Information

• The HWU will be open during the holiday period from 23 December 2019 to 6 January 2020, excluding public holidays and Friday 27 December. If you require urgent assistance during this period, call us on (03) 9341 3300 or email info@hwu.org.au.

• You can view all HWU rules, policies and financial statements at hwu.org.au

• The HWU receives approximately 200 calls per day from members into our Member Assist Call Centre. Our standard operating hours are from 8.30am to 5.00pm, Monday to Friday. Please note that peak call times are between 8.30am – 10.30am and again from 3.30pm – 5.00pm.

• Please encourage your colleagues to join the union by going to hwu.org.au. Our online facility makes it easy to sign up. The more members that are in our union, the stronger you are.
I’d like to thank all HWU members for their continued support of the union in 2019. This year has been businesslike. We have achieved many of our goals.

Just over 18 months ago, we planned a bold initiative to deliver on a world class training authority, independent of the Health Workers Union, that would provide proper certified training to frontline health workers. Our Security Officers and PSA’s were crying out for industry training that met their unique and challenging needs. The Health Education Federation has been officially set up and has held training sessions already. There is a high demand for spots and it has the full support of the Victorian Government.

We’ve successfully trained our members living in Regional Victoria and our hard working HWU Delegates. We want a membership base that is proactive, empowered and educated. Strong, active members equates to a strong, active union. We’ve also secured scholarship funding for our members (See page 22). Advancing our members’ careers in the health industry is a priority.

Our union has also had great success with negotiating better pay and conditions in new Enterprise Bargaining Agreements. Our Industrial Department – working hand-in-hand with our Organisers - haven’t missed a beat. Their meticulous planning and hard work has meant pay rises for thousands of our members. Getting members more money is the bread and butter work of our union. Likewise, our Call Centre Staff and Case Managers have supported hundreds of our members and given advice to thousands this year. I want to thank all HWU staff for their passion and dedication in 2019.

We’ve had some big wins! Whether it’s getting pay rises of up to 19% for hundreds of Melbourne Pathology members, seeing Mildura Base Hospital back into public hands, or having our aged care members voices finally heard at the Aged Care Royal Commission, there are always matters worth fighting for. What matters is that we continue to stay united and fight for what is right - together!

Next year will be challenging. We’ve got a divisive Federal Government legislation designed to destroy unions and the labor movement. Workers will suffer if these laws pass. They are also refusing to amend the aged care act to provide legislated carer ratios. Further, we’ve got a State Government that is contracting out frontline public health services at Western Health. Contracting out threatens to spread like a cancer to other health providers. It must be nipped in the bud. Add to this a rigid 2% wage cap in the public sector and we have the ingredients for a turbulent year ahead. We must be ready and united.

I look forward to working with you in 2020 to achieve real outcomes for our members. Have a well-earned holiday break and please take extra care on our roads.

Yours in unity,

Diana Asmar, HWU Secretary
The Health Workers Union has had another big year. Together with the leadership team of the union, I’ve spent the last two months on the road speaking and listening to our members. The feedback from our Regional Training Conferences has been invaluable. Our members are just as passionate as ever.

On November 13, we gathered our public sector delegates together at the Victorian Trades Hall Council to inform them of what to expect in the year ahead, and obviously to give them the training and tools they need to help build towards a successful public sector agreement campaign. The consultation phase of the public sector campaign has officially kicked off.

As you will read on Page 9, a first draft of our public sector Log of Claims will be ready by April 1. This date marks 6 months from the October 1 expiry date of the 2016 -2020 agreement. From April 1, our campaign for better wages and conditions in the public sector will begin in earnest. But right now, we need to hear from our members about what they want.

The last Agreement was successfully negotiated. I was pleased to lead those negotiations and commend the hard work of HWU staff and HWU Delegates and public sector members. I want to hear all public sector members’ views in the coming months. It’s your feedback that will shape our Log of Claims.

This time, we are looking to do things a little differently. The health workplace is changing. Digital innovation and technological progression is creating a digitally-enabled environment that is impacting every workplace. Our Administration workers are at the front line of these changes. We have created a ‘HWU Admin Division’ to ensure that our Administration workers are secure in their employment. We also wanted to improve the services that we provide to our health care sector. The HWU recently conducted extensive consultations with administration workers across Victoria, to better understand their needs. We will be conducting separate consultations for the next agreement for administration workers, in order to better understand and deliverer on their needs.

Of course, it’s not just in the public sector that we are devoting our resources. The Health Workers Union is responsible for over 400 workplace agreements. On a personal note, I want to congratulate all HWU members and HWU staff on their hard work, strength and unity throughout 2019.

As Assistant Secretary, I’ve been working hard to deliver quality enterprise agreements that deliver strong pay outcomes. Negotiating these agreements is easier when you have strong members and delegates and committed unionists by your side. Have a happy Christmas and safe New Year.
The membership of the Health Workers Union consists of 72% females. The vast majority of sexual harassment cases are men harassing women. At this time of year, with many work Christmas events on, it seems the union receives more questions and complaints about sexual harassment in the workplace.

Sexual harassment is against the law under the *Equal Opportunity Act*

Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written. It can include:

- comments about a person’s private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites
- sexual assault.

Sexual harassment is not consensual interaction, flirtation or friendship. Sexual harassment is not behaviour that is mutually agreed upon.

A single incident is enough to constitute sexual harassment — it doesn’t have to be repeated.

Men experience sexual harassment but it disproportionately affects women, especially in the workplace. (The Australian Human Rights Commission reported that 1 in 5 women experience sexual harassment in the workplace at some time.)

Some types of sexual harassment may also be offences under criminal law. These include indecent exposure, stalking, sexual assault and obscene or threatening communications, such as phone calls, letters, emails, text messages and posts on social networking sites.

Examples of sexual harassment

A new restaurant was opening and Mary was employed as its Manager. Welcome drinks were arranged for all staff and the two male owners openly made bets as to who would sleep with Mary first. One of the owners made sexual advances towards her, touching her face and grabbing her around the waist. He said he wanted to sleep with her. Mary asked a male colleague to tell the owner that she did not wish him to contact her unless he did so in a professional manner. Soon after she received a letter from the owner terminating her employment.

Mariam plays for a local soccer team. At a function celebrating her team’s grand final win, the club president repeatedly places his hand on Mariam’s knee under the table during dinner while talking to her. This makes Mariam feel uncomfortable.

Cheng is a union member and workplace representative for his union. At a union meeting another member tells a joke with sexual overtones using Cheng’s name.

Justine is a dental hygienist and a member of a professional association. On a professional development course run by the association one of its employees slaps her backside as they pass in the corridor.

Katie is a volunteer worker with a home care agency. One day when she is visiting John, a client, he starts stroking her arm and telling her how pretty she is. Katie asks him to stop but he pulls her onto his lap and tries to kiss her.

Where can sexual harassment occur?

Sexual harassment is against the law when it occurs in an area of public life covered by the *Equal Opportunity Act* 2010. However, there are some differences to the law about where it occurs and telling them that their behaviour is unwelcome.

- talking to a colleague or friend for support
- contacting 1800 RESPECT for telephone and online counselling, information and referral
- making a complaint to the organisation, whether that’s your workplace, school, sports club, government or service provider
- contacting the Commission for information or to make a complaint

Make a complaint

If you experience sexual harassment there are many different ways you can respond. You have options and the law is there to protect you. You could consider:

- raising the issue directly with the person
- contacting the Health Workers Union on (03) 9341 3300 and talk about your concerns.
The Victorian Government’s announcement of a $1.5 billion rebuild of Western Health’s Footscray hospital has been soured by plans to outsource frontline jobs at the facility.

The government wants to short-cut the proper process for delivering a world-class project by contracting out services like cleaning, cooking, patient support, portering, waste management, security and administration. The government doesn’t want to project manage it or maintain it.

The privatisation of these services is for a minimum of 25 years according to tender documents. Even in the event that existing hospital staff keep their jobs, it will be at under whatever enterprise agreement the consortia use for support services. For instance, if Spotless is chosen as the consortium, all staff will move to the Spotless Enterprise Agreement. If Compass is chosen they will move to a Compass Enterprise Agreement. Likewise, with ISS.

Victorian Health Minister, Ms Jenny Mikakos (pictured), recently signed tender documents calling for expressions of interest. This was done without consultation. As a result, the leadership of the Health Workers Union met with Victorian Treasurer, Tim Pallas, to overturn the decision of contracting out these jobs at Footscray Hospital. (Note that no contracts have been awarded at the time of printing The Healthworker). The Andrews Government has previously torn up billion dollar roads contracts. A personal plea to the Treasurer to not proceed with this course of action has, thus far, fallen on deaf ears.

The public sector agreement has maintained higher wages and better working conditions than counterpart agreements in the private sector.

“Make no mistake, whether it is Spotless, ISS or Compass – they’re not doing this to provide a public service – they want to make profits, said HWU Secretary Diana Asmar.

“When it comes to profits, more staff on the ground means less money in the bank. Hospitals should never be an opportunity for companies to make money – they should be about delivering the best services to Victorian patients, Ms Asmar said.

The three providers short-listed to provide support services to the new Footscray Hospital are three of the worst employers the HWU has to contend with on a daily basis.

“Spotless has this cosy deal at the newly-built Bendigo Hospital. Spotless promised workers coming from Bendigo Health that they would get ‘like for like’ when they moved over to the new hospital. The day after they moved everything over to the new hospital, providing a seamless transition of all patients, Spotless informed the HWU it was abandoning the deal. The workers got shafted and thanks to the Fair Work Act there was nothing they could do.

“Similarly, ISS run the support services at Northern Hospital and management of day-to-day processes is troublesome. We are always getting complaints from our members about their treatment.”

“At Compass – they have the support services contract at Melbourne Royal Eye and Ear Hospital – we have just negotiated a new enterprise agreement with them but they want the hospital employees to be covered by the Hospitality Award, not the Health Professionals and Support Services Award. Despite Commissioner Lee recently ruling that the HWU was right when we said they should be under the Health Award, Compass are appealing the decision, said Ms Asmar.

“It isn’t just about the money – dealing with private companies in public hospitals is a nightmare. Managers answer to the executives who answer to shareholders – money is more important than services delivered.

“We’ve got a Victorian Labor Government acting like the Kennett Liberal Government.

“Just look at what happened in Mildura. The Kennett Government took it out of public hands in 1999. In 20 years, they Andrews Government have now finally reversed that decision after community outrage at how the hospital was being managed.

“The proof is in the Mildura hospital pudding. Contracting out services in public hospitals doesn’t work. This is a fundamental question of whether the Victorian people want the Government to run the New Footscray Hospital or if they would be happy to see cleaning, cooking, patient support, portering, waste management and administration of the above privatised.

“We call on the government to keep services at Footscray Hospital in public hands, Ms Asmar said.
MILDURA BASE HOSPITAL BACK IN PUBLIC HANDS

After years of community unrest, the Victorian government has listened to the local Mildura community and delivered the Mildura base Hospital back into public hands.

The contract with Ramsay Health, which held the contract to run the facility since 1999 when the then Kennett Liberal Government appointed them to do so, ended after 20 years. The facility will officially transition back into public hands from September 2020.

“The local Mildura community will be far better off with Mildura Base Hospital back in public hands, HWU Secretary Diana Asmar said.

“Our members are overworked, chronic understaffing is a constant issue under Ramsay. Returning Mildura base Hospital to public administration would undoubtedly improve staffing levels.

“Placing Mildura base back into public hands would shift the hospitals’ current focus on profits – back to people!

“The feedback from our members is that Ramsey’s management model focuses on how to make money for Ramsay – not on serving the public. Staffing levels are lower than other public hospitals.

“For instance, patient services assistants (PSAs) are required to keep an eye on troublesome patients or those who need constant monitoring – which are clinical roles (qualified nurses should be doing it).

Security is also major concern – there is a drug issue in Mildura and PSA staff are expected to attend violent incidents – they should have permanent, dedicated security staff, particularly in the Emergency Department.

“Our members are always saying to us “We wish it would go back to public hands – get rid of Ramsay. Now they’ve got their wish, said Ms Asmar.

The Victorian Government issued a press release in August, stating that “The Andrews Labor Government will return the Mildura Base Hospital back to public hands – where it should always have been – ensuring that all funding goes into the care of patients and not for private profit.”

“After detailed community consultation, the Labor Government has listened and done what the Liberal Nationals refused to do – give the community their hospital back. The community has lobbied long and hard for the Mildura Base Hospital to be returned to public hands. Premier Daniel Andrews added “The community has spoken, and we’ve listened. After two decades of privatised healthcare, we’re returning Mildura Base Hospital back to public hands, where it belongs.”

This decision and public statements made by the Victorian government on Mildura Base Hospital are inconsistent with its decision to contract out front-line services at the new Footscray Hospital.

ENSURING INTEGRITY BILL DEFEATED

The Federal Liberal Government’s ‘Ensuring Integrity’ Bill was defeated in the Senate after Pauline Hanson’s One Nation Party and Senator Jacqui Lambie blindsided the government to vote against it. Their shock vote harpooned their signature laws aimed at destroying unions.

Working people from every union, all over the country, have raised the alarm about this dangerous and extreme Bill which could have union leaders sacked, unions put into administration or unions shut down entirely because of simple paper work errors or people exercising their right to protest.

The Bill proposed by the Morrison government does not limit the extraordinarily wide range of grounds on which a union can be deregistered and for which a union official can be disqualified. These still include simple paperwork mistakes, for which unions are already disproportionately punished.

Scott Morrison is trying to silence workers with his ‘Ensuring Integrity’ bill. The Bill is about threatening workers’ rights and democratic freedoms. It would see unions shut down over basic admin errors, like submitting late paperwork. If a company makes this error, they only pay an $80 fine. How is that fair? It’s absolutely not.

Adding to the surprise of the defeat was that Senator Hanson, who had initially indicated she would support the Bill, had repeatedly voted with the Government as the Senate considered amendments to the proposed laws. That was until the final vote when she crossed the floor and delivered the fatal blow.

Senator Hanson said she decided not to support the Bill because it would have allowed company administrators to unleash unlimited power on unions if they were brought in to wind them up.

The Government has now reintroduced the bill, which Labor has dubbed “union-busting laws”, but will have to win over either Senator Hanson or Senator Lambie to win a vote in the Senate.

Unions mounted a strong campaign to defeat the Bill, with cross bench Senators receiving some 40,000 calls and emails in the days leading up to the vote.

Former Health Workers Union General Manager, Kimberley Kitching (now a Senator representing Victoria), worked tirelessly to help defeat the Bill. Senator Kitching’s constructive working relationship with the crossbench and unions was critical in clarifying the dangerous consequences the Bill would have on workers.

The reintroduced Bill is likely to be voted on again in February, 2020.
A Registered Training Authority, launched with the assistance and initiative of the Health Workers Union, has held its pilot training session in November.

The Health Education Federation (HEF), recently held four-day training sessions in Melbourne and Bendigo. Security Officers and Patient Services Assistants were trained on Occupational Violence & Aggression Risk Management Training for Public Health Sector Security Professionals.

The accredited training aims to increase the effectiveness of public health sector security professionals when responding to emergency response codes and in particular the prevention, mitigation and management of instances of occupational violence and aggression.

This specialist personal development program has been designed to assist all participants from the public health sector to develop insight, understanding, knowledge and the skills necessary for responding safely and effectively within a team, to prevent and mitigate instances of occupational violence & aggression (OVA) across the State’s public health sector.

Security professionals (both those directly employed by a health service or by contract) and including health workers who at times are called upon to undertake security related functions as members of an emergency response team. Security professionals are the frontline responders to Planned Code Grey, Code Grey and Code Black emergencies. This training program has been designed to meet the needs of this vital group within the context of a multidisciplinary team-based response to such emergencies.

For more info about how to register for the accredited training, call (03) 9341 3300.
The Health Workers Union is responsible for over 400 workplace agreements. The union’s biggest workplace agreement is the public sector agreement 2016-2020. It affects over 55,000 public hospital workers. It expires in October 2020 and is due to be negotiated from 1 April, 2020.

Here is a list of just some of the classifications affected by the public sector agreement: Administrative Workers; Allied Health Assistants; Anaesthetic Technicians; Car Park Attendants; Carers; Cooks and Chefs; Cleaning & Environmental Services Workers; Clinical Assistants; Couriers & Drivers; Dental Assistants; Dietary Supervisors; Food and Domestic Services Assistants; Food Monitors; Gardeners & Maintenance/Handypersons; Housekeepers; Instrument Technicians; Interpreters; Kitchen Hands; Laboratory Assistants; Laundry Operators & Services; Orderlies; Pathology Collectors; Patient Services Assistants; Pharmacy Technicians; Security Officers; Sorter/Packer Linens; Store Persons; and Theatre Technicians.

Despite receiving a 14% pay rise over 4 years in the last Agreement (the last 3% pay rise was from the first full pay period on October 1, 2019), workers in the classifications still remain amongst the lowest paid hospital workers. We are determined to lift the pay and conditions of public hospital workers even further.

The last Agreement was achieved through negotiation. Whilst we are hopeful that industrial action is not required, we expect negotiations this time around to be far more robust. The government has released its public sector wages policy, which caps wages growth at 2% annually. This policy affects many other public sector services. The police association has already stated its opposition to the policy.

Before the union sits down at the negotiation table in April, we must first develop our Log of Claims. This log lists the things we want to see in the next agreement. From now until April, the HWU will be consulting our members about our Log of Claims.

Soon, public sector members will receive a detailed online survey that will be sent out to all members via mobile phone sms. (Please call the HWU to ensure we have your correct contact details). We want all public sector members to complete this survey. It’s important everyone has their say. The HWU leadership and industrial team will also be holding workplace meetings across the coming months to get firsthand feedback about the Log of Claims. Please attend these public sector workplace meetings.

This consultation phase will be ongoing in 2020. We will keep our public sector members informed and get their feedback every step of the way.

Everybody can do their bit. Please encourage your work colleagues to join the HWU over the coming months. If every public sector member joins one person, the union’s strength is doubled. It may be the difference in what sort of outcome we secure.

Now is the time to unite. Because together, we are always stronger!
On November 13, the campaign for the next Public Sector Agreement kicked off at Victorian Trades Hall Council. Over 100 people attended the Public Sector Delegates Training Day in the historical Solidarity Hall, which had recently been renovated.

Victorian Trades Hall Council Secretary, Luke Hilakari, opened the training day with a simple question to HWU Delegates: “Are you going to accept a 2% pay rise?”

Delegates were given a detailed briefing about the Andrews government’s new wages policy. Training sessions were also held on Workcover and workplace bullying. In the afternoon, Delegates were broken up into four groups (based on their classification) and began the process for developing a Log of Claims. The feedback from this session helped the HWU to develop a framework in which to develop the union’s Log of Claims.

A draft Log of Claims is due to be developed on April 1, 2020. The HWU will be consulting members, via surveys and workplace visits, in the coming months. We want to make sure every public sector HWU member has their say!
After the 10-month long aged care royal commission has revealed systemic failures in the sector, the Federal Government will spend more than $537 million dollars on aged care. The damning interim report of the aged care royal commission labelled the aged care system a “shocking tale of neglect”.

This cash injection is a far cry from the $1.2 billion dollars of federal government funding the current government has already ripped out of the aged care system. But it’s a start.

The 10-month inquiry revealed systemic failures in the sector, finding that many elderly Australians were neglected and forced to live in “unkind and uncaring” conditions. The interim report pinpointed key areas for immediate action, including more funding for homecare packages to cut waiting list times.

Industry analysis has suggested nearly 200 providers with up to 50,000 beds are operating at an unacceptably high level of financial risk. Despite the government’s announcement of an additional 10,000 home care packages, costing just under $500 million, it is worth noting 120,000 people are still waiting for home care packages in the community.

Meanwhile, a News Ltd report has revealed the ballooning salaries of CEO’s at some of Australia’s biggest aged care providers.

Mr Andrew Sudholz, CEO Japara Healthcare (which underpaid its workers $5.7 million before the Health Workers Union forced a multimillion dollar back pay claim), is paid $1,032,000. On a standard 38-hour working week, this equates to $522.26 an hour.

But by far the biggest aged care fat cat boss is BUPA’s CEO, Evelyn Bourke. “Evil Evelyn”, as HWU BUPA members have coined her, is paid a staggering $3,900,000 per year. Thus far, BUPA has proven themselves to be the stingiest and most difficult aged care provider to deal with during enterprise agreement negotiations. It is little wonder there is so little of the company’s profits left for workers when their CEO is paid a whopping $1,973.68 per hour. In the event Ms Bourke takes a sickie, she earns $15,000 for that day!

On average, a Personal Care Worker receives $22 per hour.
They’ve climbed the ladder. They’ve got to the top. But it doesn’t take long for their failings to appear. You can only bluff for so long! It’s the question that every health boss in the state dreads - Who will receive the HWU’s annual “Worst Employer of the Year Award”.  

The stench of this golden turd encircles its recipient, marking their eminent demise in senior management roles in the health sector. All previous winners of the (pictured above) dating back to 2014 have had their careers within their respective organisation come to an abrupt end or have taken “permanent leave”.  

This year’s not-so-proud recipient is no other than departing Austin Health CEO, Sue Shilbury.  

What a year it’s been for “No Clue Sue” as she is colloquially known in the corridors at Austin – and not just by front line staff and HWU members, but by her inner sanctum of management.  

On Monday 14 October, Austin HWU members were greeted by whispers of an email circulating around the hospital informing them of the imminent departure of Sue Shilbury in December.  

Ms Shilbury’s resignation came after hundreds of scheduled operations at the Austin Hospital were cancelled, following the discovery that a number of surgical instrument washers had stopped working.  

In communications from the Austin Board Chair, Judith Troeth, Sue Shilbury’s many achievements were listed as “Shaping a new strategic direction”, “Launching a new brand” and “Developing new Values that define as uniquely Austin Health”. In other words, she had nothing to show for her flop 2-year tenure.  

What the communications failed to say, was what a spectacular disaster “No Clue Sue” had been.  

The HWU has received countless complaints in 2019 of workplace bullying under her tenure. She is responsible for maintaining the bullying culture of the organization. She failed to act on an unfair and unwarranted dispute with Austin Theatre techs regarding their classification structure, even though their everyday work warranted an improvement in their pay grade, and even though, Austin had received the funding for their reclassification by the government. Her inaction smacked of someone who didn’t understand the day to day operations of the hospital she was meant to lead.  

Instead, she chose instead to embark on a multi-million dollar rebranding of Austin Health. It’s not flashy logos the community wants from its hospitals it’s a high quality level of care. That can only be achieved if you have a happy and vibrant workplace.  

On behalf of all Austin Health HWU members, we’d like to formally congratulate Sue Shilbury, a worthy recipient of this years’ HWU 2019 Worst Employer Award. Goodbye and good riddance.
Over half of the Health Workers Union’s membership consists of members living in regional communities. The union remains committed towards improving our level of service to regional members and empowering them with knowledge and skills.

As part of this commitment, the HWU organized seven Regional Conferences in October and November to provide training to our regional members. Conferences were held in Ballarat, Bendigo, Mildura, Mornington, Sale, Wangaratta, and Warrnambool.

At the Ballarat Conference on November 7, HWU Secretary Diana Asmar and HWU Assistant Secretary, David Eden were also pleased to award former Queen Elizabeth Centre Delegate, Kerry Leishman with a surprise HWU Lifetime Membership Award for her many years of invaluable service to the union and its members.

Thank you to all 187 members who participated across the seven days. The HWU is committed to running these regional conferences bi-annually.
Below is an update of some of the Agreements the HWU have recently negotiated or are currently negotiating. Achieving improved pay and conditions for members through Enterprise Agreements is the core business of the union. Please note that currently the Fair Work Commission is taking a considerable time to approve agreements. Even after a vote of employees on a proposed enterprise agreement, before it commences, it must be approved by the Fair Work Commission. At the moment, this process may up to six months to occur. For more information, please call the HWU on (03) 9341 3300.

Clinical Labs
(including St John of God and Healthscope Pathology)
Bargaining at Clinical Labs has been long and protracted. Negotiations are advanced. We have been meeting regularly in recent months. We have progressed to having a draft working document of an agreement and in October, we were successful in getting SJOG employees wages raised to the previous Healthscope rates of pay. (At time of writing) We are currently awaiting confirmation of a new (and improved) wage offer from Clinical Labs. We are maintaining our strong opposition to the proposed changes to sick leave that are being sought by Clinical Labs. We will be communicating with members as soon as we have more information.

Compass - Medirest
(Eye and Ear Hospital)
After considerable delay in negotiations, our members voted in favour of a new agreement. It had 9-11 per cent wage uplift over three years, plus a 2.9 per cent one off lump sum for the period July 2017 to July 2018. A dispute arose at the Fair Work Commission, however, as to whether the employees are covered by the Health Professionals and Support Services Award, or the Hospitality Industry (General) Award. Compass has advanced the first wage increase while this dispute is ongoing.

The Commission held an arbitration on the matter found that the employees are properly covered by the Health award (which is the position we support). The decision has been appealed by Compass to the Full Bench of the Fair Work Commission as they maintain that these hospital workers should be covered by the Hospitality Award. At time of writing, we are awaiting the outcome of the Full Bench of the Commission.

St Vincent’s Private Hospital
The agreement was approved by the Fair Work Commission and is now in operation.

Melbourne Pathology
The agreement was approved by the Fair Work Commission and is in operation.

HealthCare
The agreement was voted up by employees and has been approved by the Fair Work Commission and is now in operation.

Healthscope Hospitals Non-Clinical Staff
This agreement is currently before the Commission, and is awaiting approval after being endorsed by employees.

This agreement is a good outcome, with uniform wage increases of 3.15 per cent each year for three years. In effect this brings Healthscope closer to their major competitor of Ramsay Health. We were also able to secure Theatre and Instrument Techs larger increases to bring them closer to their competitors in the industry.

Public Sector Nurses
Bargaining for the new Public Sector Nurses has commenced. The agreement doesn’t expire until 31 March 2020, but work is underway to negotiate a new agreement.

Public Sector Health and Allied, Managers and Administrative Workers Agreement.
Bargaining doesn’t commence until April 2020. We have commenced the consultation and will be contacting members further in the new year. The current agreement doesn’t nominally expire until 30 September 2020.

Central Gippsland Health Home and Community Care
We have now met with CGH twice in Sale and once in Melbourne. The concerns of members were strongly represented by your workplace delegates and Organiser. In particular, we argued that wages are not being paid on time and are consistently wrong. Significant changes were proposed by CGH. After consultation with members, we have sought to negotiate a compromise.

Specifically, we have not agreed to a split
shift, but have considered the request for a broken shift, if certain conditions are agreed and an allowance is paid. An initial offer of 2.5% each year for a 3 or 4 year deal is on the table. We are trying to increase this, along with more beneficial entitlements.

**Macedon Ranges Health**
(now operated by Benetas)

It was revealed mid-this year that Macedon Ranges Health had negotiated an agreement which only covered a percentage of the workforce. This means that the other half remain employed on an agreement which expired years ago. We engaged directly with Benetas to re-negotiate the agreement in September. However, they are refusing to negotiate. We can confirm workers received a 2% wage increase mid this year. We are consulting with members now as to our next steps.

**Cabrini Health**

Bargaining has now commenced at Cabrini Health, with the first meeting held in late November. Further meetings are already planned for early December. We will be communicating with members following each meeting via noticeboards, emails and your workplace delegates. Initial bargaining has focused on health and safety concerns, lack of consultation and back-pay. Members last received a wage increase in October 2018. Feedback received from Cabrini is they will not commit to back-pay at this stage of the bargaining process. We will continue to raise this as an issue for members. Remember, the stronger the union, the better the outcome. Encourage your colleagues to join the HWU.

**Calvary Community Care**

In August 2019, Calvary wrote to employees advising the organisation was taking steps to start negotiations to create a new enterprise agreement. We responded, advising we are a default bargaining representative and we expect to be consulted and to represent you, our members during bargaining. Calvary has now assigned a bargaining representative and negotiations will commence in December. We are now in the process of consulting with members to develop a log of claims. Get in contact and let us know your concerns working at Calvary. What do you want us to bargain for?

**Berry Street**

Berry Street have put an offer on the table that provides the minimum award increases as per the Fair Work Commission rulings, plus a commitment to no less that 2.1% in the 3rd and 4th year of the Agreement. The changes to the Enterprise Agreement are comprehensive, with the old outdated Agreement updated to include changes required by the Fair Work Commission, an updated disciplinary clause, and removal of unlawful terms (such as the one requiring that annual leave be fully taken before accessing Long Service Leave). We expect to put a revised EA to members in December, hopefully putting the matter to vote in January/February 2020.

**Doutta Galla**

This agreement was put to the vote and members accepted the two year wage offer, returning to the bargaining table in 2022. Due to a filing error on the part of the employer, the agreement needed to be re-balloted. This ballot closed on Tuesday, 17 December 2019. At the time of printing *The Healthworker*, we are awaiting the outcome of this ballot.

**Mali Nominees/Chronos Care**

The EA is now pending approval from the Commission.

**Maryvale Private**

Bargaining with SIAG was relatively painless and took only a few months. Maryvale offered 16% over 4 years and put the matter to vote - which was accepted by the members and is awaiting approval by the Fair Work Commission.

**Melbourne Dental Clinic**

First stage of negotiations have begun, with an agreement to meet and discuss initial claims in early December. Some changes in the management and HR at Dental Clinic mean that bargaining has not occurred as quickly as would have been ideal, but the current agreement doesn’t expire until December 31.

**Corpus Christi**

Initial meeting occurred on the planned new agreement and logs of claim have been received by the participating unions. Some drafting issues in EA already resolved. We are awaiting the wage offer. Agreement expires in February 2020.
Guy Metcalfe has been a union member in every job he has had since 1984. He’s been a member of the Health Workers Union for 22 years (which included membership of the Branch Committee of Management) and as a delegate for 15 of those years.

Guy currently works as the Business Manager in the Physiotherapy Department of Austin Health, ensuring all staff are paid correctly, workplace conditions are met and staff have the best equipment and resources available to them to perform their roles.

He’s glad to see that the HWU is continuing to grow and mature as an industrial force.

“I have a passion for fairness in the workplace. We all need to be paid appropriately for the contributions we make - ‘a fair day’s pay for a fair day’s work’, guys says.

“I feel administrative staff have been largely ignored as a group by government and the hospital’s representative; the VHIA. It’s time we had a louder voice in EBA negotiations and having a separate Division within the HWU should help support that endeavour. We must increase our union membership across the board. We represent a large part of the health workforce but have traditionally had relatively low rates of membership. This needs to change!”

“In terms of our next EBA, the next challenge is for yearly increments, paid professional development days and a greater understanding by hospital executives of the importance of our work, says Guy.

Guy Metcalfe has a special interest in how our workforce is evolving. With a background in IT, he sees first-hand the effect of technology in our hospitals. Not just the devices used directly as part of patient care, but also the applications used to provide support to our clinical colleagues. The number of programs and applications increase each year, demanding a flexible, skilled, clinical and non-clinical workforce. Training is needed for many of these tasks, some is provided but there is a need for a lot more.

“The health system is often at the forefront of advances in technology and in the future, the clinical support staff are an integral part of this. 3D printing, decision support systems, simulation based teaching, artificial intelligence (AI) and an increased reliance on a myriad of computer based hospital systems will provide jobs for us into the foreseeable future, says Guy.

Guy has represented the HWU as part of a team in negotiations with the VHIA, successfully arguing to abolish the old clerical structure and incorporating those employed under it into the Managers and Administrative Workers stream allowing for greater career progression and higher rates of pay.

It’s Time for Administration Workers to Unite
KNOW YOUR RIGHTS:
DISCIPLINARY MEETINGS

SO, YOUR BOSS HAS “CALLED YOU IN” TO A MEETING. WHAT NOW?

SUPPORT PERSON

Am I allowed to have a support person come with me when the boss calls me in for a meeting?

Yes. Whenever you are required to meet with a Supervisor or Manager, it is your right to have a support person with you. Not only can a support person lend moral support, they can also act as an important witness to conversations which might be valuable for you down the track.

Being “called in” to see your manager or supervisor can be a daunting experience. In some instances, workers can feel under pressure, especially when discussing their own performance or actions. They can feel intimidated. In those circumstances, it is important to remember that you have a right, set out in the Fair Work Act, to have a support person with you. Many workplace agreements also have similar provisions that outline your ability to have a support person in meetings.

There are differences across agreements with respect to whether you are entitled to have a union delegate or representative with you, but all our agreements provide for a “support person” to be present with you.

Further, it is often important to have a support person there to witness what takes place, especially if there are issues arising from workplace bullying and harassment.

Remember, you have the right to be supported and the right to support your workmates! In the event that you receive a notice to attend a meeting with a manager, please contact your workplace HWU delegate or call (03) 9341 3300.

My boss just gave me a letter to attend a disciplinary meeting…

HERE’S WHAT TO DO…..
STEP BY STEP!

⚠️ Step 1 – Stop!!

Don’t answer any questions or attend any meeting without speaking to the HWU!

We will always represent our members in disciplinary meetings – if a Union Organiser can’t attend at the time mentioned in the letter, we can reschedule the meeting.

If your boss wants an answer on the spot, politely decline and say ‘The Union has told me to seek advice before responding’.

Step 2 – Don’t talk about it with anyone in the workplace, unless they are a HWU Delegate.

You may face additional disciplinary action if you talk to your colleagues about the letter. Keep it private to cover your back.

Step 3 – Write a response to the allegations but don’t send it to your boss. The Union will look over your response and provide advice.

We will help to make sure that you are not putting yourself further at risk of disciplinary action.

Think carefully about whether there were any witnesses present – it may be crucial.

Step 4 – Follow the advice of the Union.

If your Union organiser gives you advice for how to respond to issues in the meeting, follow their advice. Don’t volunteer any information that you don’t need to – stay focussed. If you’re in a hole there’s no use in digging further.

Step 5 – Keep your cool

Employers are required to investigate allegations but that doesn’t mean they think you’re guilty. If the allegations are not substantiated, you will remain in the workplace - you want your ongoing working relationships to be good.

Always remember – the Union organiser will leave after the meeting, you go back every day.

Step 6 – After the process

After the process is over and you have an outcome, don’t discuss it with anyone in the workplace. Disciplinary meetings and outcomes are private. Once they are over it should be the end of the matter. Nobody should be treated any differently in the workplace after the process is closed.

What if I have been terminated?

The Union will review the matter and give you advice as to whether pursuing an unfair dismissal claim is appropriate. Call (03) 9341 3300 immediately if you require the union’s assistance.
Now in its eleventh year, “Go Home on Time Day” (recently celebrated in November), is a great way to remind ourselves that life shouldn’t revolve around work alone.

The annual “Go Home on Time Day” is an initiative of The Australia Institute, Australia’s most influential progressive think tank. The day was conceived in 2009 as a light-hearted way to start necessary conversations in our workplaces about work-life balance, the value of time, and time theft.

The Australia Institute estimates that unpaid overtime takes over $80 billion from household incomes every year. Healthcare workers form a substantial portion of this unpaid overtime. Overworked aged carers, in particular, are often finding themselves working beyond their allocated time shift in order to complete their tasks. Rarely are these workers paid overtime.

*People working in aged care are often manipulated by their employer. They are under resourced on their shifts. They place the care of their residents above their own remuneration. Bosses know this and take advantage of their good will. Meanwhile, the aged care providers rake in big profits, says HWU Secretary Diana Asmar.

“Go Home on Time Day shines a light on unpaid overtime. It’s a big issue in our industry, Ms Asmar said.

The Australia Institute estimates that full-time workers do approximately 5 hours of unpaid overtime, part-time workers 4 hours of unpaid overtime, and casuals 3 hours of unpaid overtime per week.

Go to https://www.gohomeontimeday.org.au to use the unpaid overtime calculator to work out how much of your time is stolen each year - in the form of unpaid overtime work – and see how you compare to the average Australian.

Gavin Sharpe is one of the Health Workers Union’s newest industrial Organisers. With hands on experience in the health industry, Gavin’s worked as a Patient Services Assistant at St Vincent’s Health.

“Prior to working at the union, I worked at Melbourne Airport in customer service. I’ve worked in sales and I have most recently served over 18 years with St. Vincent’s Health as a PSA, says Gavin.

“Having worked in health for so long, I’ve got a very good understanding of what health workers go through on a day-to-day basis, particularly in the public hospital system.

Gavin has taken over as the HWU Organiser for Eastern Health, Monash Health, Royal Children’s Hospital, Alfred Health, Eye and Ear Hospital and Dental Health Services Victoria.

“I wanted to work for the Health Workers Union because I have a passion for helping people. I also wanted to take the next step after being a Workplace Delegate and OHS Rep for the last 16 years - as well as serving as Chair of the OHS Committee at St. George’s Hospital. I want to apply my experience more broadly. I feel I have a lot to give back to the union, Gavin said.

“Unions are vitally important and have been for almost 200 years. Our union has a proud history since 1911 and a strong record of achievement. Unions enable workers to organise themselves to negotiate better wages and working conditions and ensure workplace rights are respected. Individually, we can have little impact on employers - but together we are so much stronger!

For Gavin, the most satisfying moment so far has been helping a single mother get a Flexible Working Arrangement after her boss was trying to force her to change her working times. This would have meant that our member would have not been able to care for her son and would probably have had to resign.

Gavin lists the toughest and most challenging part of his job as an HWU Organiser is trying to meet members’ expectations to the best of his ability when he needs to prioritise on the basis of the seriousness of the cases that require his attention.

“It’s an incredibly hard job. I want to help everybody. There are some shocking employers out there (as well as some good ones), but my day’s work is never done. The thankfulness and happiness I get from a member that I just helped is, without a doubt, the best part of my job, says Gavin.
The Fair Work Commission has determined that a HWU member, Michael Scott, was unfairly dismissed and ordered that he be paid $31,618.34.

Mr Scott was a Security Officer/Orderly at Latrobe Regional Hospital in Traralgon for over 8 years. His record was without blemish.

On 20 June 2018, at 7pm, he attended an emergency situation at the hospital called by nursing staff. An intoxicated patient was absconding from a hospital where there has been a history of self-harm and suicide from absconding patients. The patient had been talking with a nurse and the nurse had concerns that he was going to self-harm or suicide. The patient started leaving and the nurse called a 'Code Grey'.

Mr Scott was the only male security guard present and the only guard of physical stature to confront the patient. Mr Scott ran to catch up to the patient and positioned himself in front of the patient, as trained by both LRH and his previous security experience. Mr Scott stood his ground, preventing the patient from walking away from the hospital. Mr Scott engaged the patient in a conversation, but the patient was not responding to de-escalation techniques.

The patient, unprovoked, kicked Mr Scott in the groin. Mr Scott, with many decades of training and experience in security, decided that the best thing to do was to restrain the patient on the ground in order to regain control of the situation. Within 3 minutes of the restraint, the patient was walking back into the hospital, unharmed. For his efforts, Mr Scott was sacked!

HWU Secretary, Diana Asmar, was scathing of Latrobe Hospital management for its decision to attack one of our members.

“Time and again, we see Latrobe Regional Health treating their workers with contempt.

“Our members’ conduct in this incident was exemplary. He acted in good faith in preventing a suicidal patient from fleeing the hospital (as he was instructed to do). Mr Scott should have got an employee of the month award – not the sack!

“Mr Scott got kicked twice in the groin – once from his assaulter – and once from his employer, Latrobe Regional Health CEO, Peter Craighead.

“Latrobe Regional Hospital is putting its employees and security staff at risk of violence and injury, with poor training, inadequate staffing, poor employer support and impractical policies.

“I’m pleased that the Health Workers Union was able to persuade the Fair Work Commission to issue Mr Scott the maximum compensation in recognition of the harshness of the hospital’s conduct. The HWU will always fight hard to protect the rights of our members, Ms Asmar said.
INDUSTRIAL MANSLAUGHTER NOW A CRIME

New Industrial Manslaughter laws have been passed by the Victorian Parliament.

As many as 30 people are killed in workplaces across Victoria every year.

Under the government’s new laws, employers who negligently cause a workplace death will face fines of up to $16.5 million and individuals will face up to 20 years in jail.

The offence will fall under the Occupational Health and Safety Act 2004 (OHS Act) and will apply to employers, self-employed people and ‘officers’ of the employers.

The legislation will also apply when an employer’s negligent conduct causes the death of a member of the public – ensuring that all Victorians are safe in, and around, our workplaces.

WorkSafe Victoria will investigate the new offence using their powers under the OHS Act to ensure employers can be prosecuted – making clear that putting people’s lives at risk in the workplace will not be tolerated.

A significant majority of the Australian population support the introduction of industrial manslaughter laws and an expanded role for unions in ensuring workplace safety, according to new polling conducted by ReachTel for the ACTU.

Some 58.8% of Australians want new laws which would see employers who are responsible for workplace deaths held accountable and ultimately sent to jail. And 80.1% want to see significant financial penalties for employers who don’t manage psychological hazards such as bullying and stress.

A majority of 62.5% believe that unions are important to improving workplace health and safety. Of that group, 88% believe that laws should be strengthened to help workers stay safe and work and allow unions to do the job of enforcing workplace safety.

Four workers are killed at work every week across Australia.

UNITED TEAM

HSU NATIONAL CONFERENCE

The union’s elected National Conference delegates recently gathered to discuss ways to grow and improve our union at our National Conference. The National Conference is the peak decision making body of the union.

This year, the National Conference heard about ways the union can work to increase the participation and leadership opportunities of our Delegates and members.

The Health Workers Union supported motions relating to the unions’ national Occupational Health and Safety policy (in line with updated international standards); employers paying superannuation guarantee weekly or fortnightly instead of quarterly; and the Uluru statement which is a historical consensus position on Indigenous constitutional recognition.

The union’s elected National Council delegates include the following members: Diana Asmar, Nurije Alimi-Arslan, Lee Atkinson, Dennis Cross, David Eden, Danny Harika, Nick Katsis, Touda Legassick, Steven Mitchell, Maria Rotherham, Timothy Rowley, Gavin Sharpe, Agnes Smith and Donna Turvey. Thanks to all HWU National Conference Delegates for their participation and input.
People working under Enterprise Bargaining Agreements are winning wage increases ahead of the cost of living, but wages remain too low across the board, data released by the Attorney General’s Department reveals.

The trends in the Enterprise Bargaining recent report shows that wage increases in newly approved Federal agreements fell by 0.1 percentage points to 2.7 percent per year.

This was comprised of a 0.1 percentage point fall to 2.9 percent in the private sector and 0.3 percent to 2.4 percent in the public sector.

Agreements that had union involvement – 85 percent of Agreements – delivered pay rises of 2.7 percent on average, while those without union representation had only 2.4 percent pay rises.

The public sector fall impacting people like scientists, engineers, nurses, administrators and teachers was a result of caps imposed by some governments that stop fair wage increases for public sector workers.

Particularly concerning is the high number of people whose wage increases were “non-quantifiable” in Agreements – more than 45 percent. This is an indication that the current rules restricting bargaining and industrial action are hurting the ability of workers to win fair pay increases.

“Despite being in an era of low wage growth, with a globalised labor market and where systematic wage theft is a business model for many employers, it pays to be in a union, said HWU Secretary Diana Asmar.

“The key to getting a decent pay rise is to be unionised. The old adage “united we stand, divided we beg” rings true for workers now more than ever, Ms Asmar said.

One in five Australians went hungry once over the past year, according to a new survey that also finds demand for food bank services has increased by more than 20% across Australia in the last 12 months.

As welfare groups demand an increase to Newstart to combat poverty among the unemployed, the annual Foodbank Hunger report found in the past year 21% of Australians ran out of food and were unable to buy more, up from 18% in the 2018 survey.

“That is the equivalent of five million people,” the report reads. “At least once a week, around half of the people skip a meal (55%) or cut down on the size of their meals to make their food go further.

“At least once a week, three in 10 (30%) food insecure Australians go a whole day without eating.”

The report relies on two pieces of research: a survey of more than 2,000 charities and other organisations that use food rescue services, and a survey of 1,000 Australians who said they were experiencing food insecurity.

It found that over the past 12 months, the number of people seeking food relief increased by 22%, while only 37% of charities surveyed said they were meeting the full needs of their clients. The growth in demand was highest in the Northern Territory, Queensland and Victoria.

Women were at greater risk of food insecurity, with 27% reporting an experience of going hungry, compared with 18% of men.

In addition, more than half of the women (53%) surveyed who had faced food insecurity said they had experienced domestic violence, while 49% said they had been sole parents at some stage in their lives.

People were most likely to be without food or the means to pay for it due to an unexpected bill or expense (49%), followed by a low income or pension (42%) and housing costs (34%).

The Foodbank Hunger report says that of those who reported experiencing food insecurity, 50% rationed their food, 55% would skip a meal, and 30% went a whole day without eating.
The Fair Work Commission has recently ruled that home care and aged care workers will be paid a casual loading when working overtime, weekends or public holidays.

The decision has been welcomed by the Health Workers Union. The nation’s peak body for providers, however, says the move will “constrain the services” that providers can deliver for care recipients.

As part of its four-yearly review of Modern Awards, the Fair Work Commission has ruled that casual workers employed in aged care and social and community services (including disability) will be paid a 25 per cent casual loading in addition to overtime and penalty rates for working on Saturdays, Sundays and on public holidays.

As it stands, casual employees under the Award did not receive casual loading when working overtime, or on weekends or public holidays. The changes will mean a significant increase in the take-home pay of aged care’s casual workforce.

For a casual home care worker Level 2, the increase in wages when working overtime will be around $5.60 per hour. For a casual disability support worker Level 2, the increase in wages when doing overtime will be around $6.90 per hour.

“This is a huge win. We’ve got thousands of HWU members who work casually in aged case and are on this Award, said HWU Assistant Secretary, David Eden.

“We encourage all casual members who are affected by this change to double check that this change has been passed on by their employer once it comes into effect from 1 July 2020, Mr Eden said.

If you have any questions about the Fair Work Commission decision, call the HWU on (03) 9341 3300.

BIG WIN
25% WEEKEND AND PUBLIC HOLIDAY PAY RISE FOR AGED CARE CASUALS

SCHOLARSHIP APPLICATIONS
FRONTLINE HEALTH WORKER TRAINING FUND

At the last State Election, HWU Secretary Diana Asmar fought hard to get a commitment from the Andrews Government to deliver a “Health Services Training Fund” for frontline public sector workers to get a leg up into training programs that they otherwise could not afford to do.

Applications for these scholarships are now open. The Victorian Government is delivering 100 positions over 2 years, with up to $10,000 available for each position. Health service providers across Victoria have been formally asked to identify how many of the 100 positions they would like to offer to employees. They had until 20 December 2019 to get their preferences in.

The Health Services Worker Training Fund aims to support the provision of a high-quality health service workforce with contemporary and relevant skills.

Frontline health service workers are an important asset in achieving the best health, wellbeing and safety for all Victorians so that they can live a life they value. In this context, the frontline health service workforce refers to workers including hospital cooks, orderlies, cleaners, security officers, administrative staff and other non-clinical support staff.

If you, or other HWU members you know, would like to get additional training tell them to contact their Manager, and/or the Workplace Training Officer, and/or your HR department to express interest in undertaking training.

The cost of education and training can be a barrier for frontline health service workers wanting to improve their skills. The Fund is an opportunity to develop and strengthen staff and enable them to get the skills they need for the jobs they want. Examples of some courses include (but not limited to):

- Certificate II in Health Support Services
- Certificate III in Health Services Assistance
- Certificate III in Health Support Services
- Certificate III in Non-Emergency Patient Transport
- Certificate III in Commercial Cookery (Non-apprenticeship),
- Certificate III or IV in Health Administration
- Certificate IV in Health Care
- Certificate IV in Allied Health Assistance
- Certificate studies in Hospital Security
- Certificate studies in Literacy or Numeracy

These scholarships will enable access to accredited training for eligible workforces currently employed at a health service, who may not otherwise have opportunity to improve their skills and qualifications.

For more info about the scholarships, including how to apply, call the HWU today on (03) 9341 3300.
Our priority is you

Hearing Loss?
Act now!

Union members who have worked in noisy conditions and are suffering a loss of hearing may be entitled to compensation.

Hearing loss can be a permanent impairment which automatically entitles the injured person to a payment depending upon the level of the loss.

Adviceline Injury Lawyers can help.

For advice, contact your HWU representative or one of our friendly hearing loss team members on (03) 9321 9782.
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