

Campaign update #28 public sector mental health enterprise agreement

2 AUGUST 2016

Members urged to write to local MPs and the Mental Health Minister

1. Status of negotiations

Two meetings were held last week between ANMF (Vic Branch), the Victorian Hospitals' Industrial Association, Victorian government officials and HACSU.

The talks, held on 26 and 29 July, bring the total number of enterprise bargaining negotiation meetings to 32.

ANMF welcomes the inclusion of key government personnel whose presence at these meetings is essential to finalising a satisfactory EBA outcome. ANMF is very clear our mental health members want the same wages outcome as the public sector nurses' and midwives' outcome.

ANMF maintains that members' workload management, nursing ratios and skill mix claims in the community will improve the provision of mental and physical health care to clients living in the community and lead to significantly better health outcomes.

Yet the employers have:

- rejected the ANMF claims for skill mix provisions for community mental health nurses on the basis that they believe that there is 'no clinical imperative' to have transparent and mandated skill mix for community mental health teams. The employers maintain they are currently meeting the needs of the clients with their existing recruitment strategies.
- not agreed to a transparent community workload management tool that gives nurses and community teams certainty when managing their workload.

Unions continue to work towards a joint position in relation to the need for additional equivalent full-time (EFT) positions in bed-based units. The ANMF has scheduled a joint-union meeting with Government to attempt to resolve the EFT ask.

We are now asking members to write to politicians – their local state MP and Victorian Mental Health Minister Martin Foley - to let them know how ratios, improved workloads and skill mix will make a difference to the health and the lives of your patients and clients. Please let your elected representatives know how the employers' response demonstrates their disconnect between the rhetoric we hear about the gaps in our mental health system, the need for improvement and the practicalities of making those improvements.



Let people know that you support Victoria's public mental health nurses by sharing campaign video content on [facebook.com/RespectOurWork](https://www.facebook.com/RespectOurWork)



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2. Six ways to support your claims and your campaign

To keep your key claims – fair pay, ratios in inpatient services, workload management and skill mix in community mental health teams, attention to mental and physical health of patients and clients, stop preventable violence - in the front of the minds of those at the negotiating table you can:

1. **Continue to undertake protected industrial action**, wearing the #ValueRecogniseReward T-shirt and implementing administrative bans (listed on page 3) in the 12 area mental health services (listed on page 3). If you can't take protected industrial action wear your red campaign T-shirt everywhere you go outside of work – it starts important conversations.
2. **Sign and share the mental health nurses petition**
<https://www.megaphone.org.au/petitions/introduce-nursing-ratios-for-victoria-s-mental-health-nurses>
3. Make sure your local MP and the Mental Health Minister understand your concerns and what's important to you, your patients and clients.

Contact your local State Member of Parliament by finding their details here <https://electoratelookup.vec.vic.gov.au/>

Contact Mental Health Minister Martin Foley

Email: martin.foley@parliament.vic.gov.au

Postal address: 46 Rouse Street, Port Melbourne, VIC 3207

Call: 03 9646 7173

4. **Support your campaign on Facebook and Twitter** – Spread the red. Like and share ANMF's campaign posts and update your profile pic to one of the many mental health campaign images in our albums.
5. **Download campaign posters and a 'Dear patient/client' campaign letter** from the EBA 2016 campaign page
<http://anmfvic.asn.au/eba2016#mh>
6. Ask your Job Rep or Organiser for a 'Demand nursing ratios in mental health' campaign sticker.

3. Stage 2 of industrial action advice for members

ANMF is supporting members who are implementing stage 2 industrial action at the 12 eligible area mental health services. See the list on page 3. Mental health nurses are not taking protected industrial action lightly, but it is essential the employers and the government understand you are serious about your claims for ratios in inpatient services, better community workload management and fair pay. If you require ANMF assistance please contact your ANMF Organiser. ANMF is aware of some instances where members are feeling pressured to not wear the red #ValueRecogniseReward campaign T-shirt or participate in the other lawful bans.

It is important that members, particularly younger members participating in a campaign for the first time, understand the Fair Work Act 2009 allows for 'protected industrial action'. This means it is legal for nurses to take industrial action provided all of the requirements of that Act Protected industrial action is legal and severe legal consequences can follow if a manager is found to have coerced an employee not to take part, or to breach a ban (asking you not to wear a campaign T-shirt or asking you to complete non-clinical data collection). This is called adverse action and under the Fair Work Act the individual manager and the employer can both be fined.

ANMF members who are participating in action covered by the protected industrial action bans are entitled to refuse to do that task or tasks, and it would almost certainly be unlawful for management to take action against them. Managers may be breaching the Fair Work Act if they counsel, discipline or report a nurse for taking protected action, or threaten to do those things.

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Managers, who can feel like the 'meat in the sandwich', should also be aware they have the same legal rights as the employees they manage. Often managers feel obliged, or are even directed, to oppose the industrial action and ensure as far as possible that the activities of the ward continue. This can then result in conflict with staff on one hand and management on the other.

Managers have a right at any time to refuse an unlawful directive, including one that relates to them or the staff taking lawful industrial action.

4. Further protected industrial action commenced from 7am Thursday 9 June

The further protected industrial action is as follows:

a refusal to undertake any work outside the ordinary starting and finishing times of work

a refusal to be redeployed from one area to another area

delaying or restricting the performance of normal duties by explaining to clients and other visitors during working hours the purpose of the campaign materials being worn by nurses, including T-shirts, badges and campaign posters

delaying or restricting the performance of normal duties by displaying and distributing campaign related information in the workplace and speaking to the media as required during working hours

a refusal to collect, record, complete or document non-clinical/administrative information or any mandatory data required by the employer, e.g. outcome measures, vehicle log books, statistical data, RCS ACFI documentation, contact sheets and RAPID statistics, PR 2s and 5s, Daily Returns/Bed Movements, but excluding any reporting directly related to patient, client or staff safety

industrial action in the form of a refusal to attend or participate in any meeting or service activity that is not fully backfilled

a refusal to implement any workplace or system change proposed by management.

5. Workplaces where protected industrial action CAN commence from 7.00am Thursday 9 June 2016:

Albury Wodonga Health

North East Border Mental Health Services
All areas where mental health nurses are employed

Ballarat Health Services

All areas where mental health nurses are employed

Barwon Health

All areas where mental health nurses are employed

Eastern Health

All areas where mental health nurses are employed

Goulburn Valley Health

All areas where mental health nurses are employed

Latrobe Regional Health

All areas where mental health nurses are employed

Melbourne Health

North Western Mental Health
All areas where mental health nurses are employed

Mercy Public Health

All areas where mental health nurses are employed

Mildura Base Hospital

Mental Health Services
All areas where mental health nurses are employed

Royal Children's Hospital

Banksia Unit
All areas where mental health nurses are employed

St Vincent's Hospital

All areas where mental health nurses are employed

Inner South Community Mental Health

All areas where mental health nurses are employed

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6. Workplaces where protected industrial action CANNOT commence from Thursday 9 June 2016:

The following workplaces cannot lawfully commence protected industrial action as less than 50% of the nurses eligible to participate in the protected action ballot returned valid ballots to the Australian Electoral Commission. These workplaces are:

- Alfred Health
- Austin Health
- Bendigo Health
- Monash Health
- Peninsula Health
- Southwest Healthcare
- Forensicare

7. Remember that our strength is our membership

Most Victorian nurses and midwives are already ANMF members – if you haven't joined yet or you know someone who hasn't, please encourage them to join. Non-members can join online here: <https://members.anmfvic.asn.au/CalculateRate>

If you don't have a Job Rep on your ward, unit or community team, it's time to put up your hand and help your union and your colleagues achieve your claims for 2016. Speak to another ANMF Job Rep or call ANMF Reception on (03) 9275 9333.