

## Campaign update #29 public sector mental health enterprise agreement

16 AUGUST 2016

### Productive talks continue ANMF statewide members report back meeting 26 August

#### 1. Status of negotiations

ANMF has now attended 33 public sector mental health nurses enterprise bargaining meetings. A further meeting with the Department of Health and Human Services, the Victorian Hospitals' Industrial Association, the ANMF and HACSU is scheduled for Wednesday 17 August.

ANMF also attended a very positive meeting last week with Mental Health Minister Martin Foley and HACSU. This meeting with both unions followed the government's initial offer of additional mental health nurses at the mental health negotiations. Significantly this is the first time any minister responsible for mental health has met with the unions during enterprise negotiations and been prepared to listen to our rationale for increasing the EFT (equivalent full-time) offer for nursing positions.

Mr Foley acknowledged the unions' position and understood the pressures and challenges ANMF members face providing mental health care to the Victorian community. Mr Foley indicated he is keen to work together with the unions to explore avenues for increasing mental health and allied health positions.

Following the meeting a combined document including each union's EFT claim was provided to government officials to progress negotiations.

Thank you to all of the members who took the time to write letters and emails to Mr Foley two weeks ago. It was important that the minister heard directly from so many of you outlining your concerns and difficulties providing safe nursing care to your patients and clients.

The ANMF does not believe there is a requirement to escalate industrial action whilst these productive discussions are occurring.

#### 2. Public sector mental health statewide report back meeting

**Friday 26 August 2016**

**2.30pm**

**ANMF House, Carson Conference Centre, 540 Elizabeth Street, Melbourne**

This meeting will provide a report on the progress report of your enterprise bargaining negotiations. ANMF is working toward having an offer to discuss at this meeting. In the event there is an offer to put to members we expect it will be a paid meeting. Attend this meeting if you want to be part of the decisions that will determine your wages, staffing levels, workloads and conditions.

Register at [www.bit.ly/mh26Aug](http://www.bit.ly/mh26Aug) to let us know you are coming and if you need transport or childcare.

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**Statewide public sector mental health nurses report back meeting**

**Friday 26 August, 2.30pm**  
**Carson Conference Centre**  
**ANMF House** 540 Elizabeth Street, Melbourne

This meeting will provide ANMF members working in public mental health services with a progress report of your enterprise bargaining agreement negotiations.

Attend this meeting if you want to be part of the decisions that will determine your wages, staffing levels, workloads and conditions.

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**VALUE RECOGNISE REWARD**  
**mental health nurses**

Authorised by L. Fitzpatrick, Australian Nursing & Midwifery Federation (Victorian Branch) Melbourne.

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**ANMF** Australian Nursing & Midwifery Federation VICTORIAN BRANCH

Download a statewide meeting poster and EBA campaign material from the mental health EBA campaign page: <https://www.anmfvic.asn.au/campaigns/2016/03/01/eba-2016#mh>

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### 3. Continue the current protected industrial action

All members in the 12 area mental health services able to take protected industrial action (listed on page 3) are encouraged to continue with the current action. The ANMF has not notified further industrial action at this time as meaningful and appropriate discussions regarding the wages outcome, the additional EFT number and allocation are continuing to occur, albeit the progress is slow.

### 4. 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 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](mailto: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.

### 5. 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 listed on page 3. Mental health nurses are not taking protected industrial action lightly and 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 are met. 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

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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.

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 their staff taking lawful industrial action.

### 6. 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.

### 7. 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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### 8. 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

### 9. 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.

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