

Campaign update #30 public sector mental health enterprise agreement

FRIDAY 2 SEPTEMBER 2016

Enough is enough

1. Status of negotiations

There has now been 37 negotiation meetings since negotiations commenced in January 2016. This compares to 18 meetings taken to negotiate the entire public sector general nurses and midwives EBA.

ANMF has written to Victorian Mental Health Minister Martin Foley and all stakeholders advising that we believe it is time all parties confirmed in writing their finalised position on outstanding matters so that negotiations can be completed within two weeks. View the letter [here](#) or <http://goo.gl/IFmzjg> ANMF is seeking that the senior decision makers from all parties commit to remaining at the negotiating table until an acceptable outcome is reached. We eagerly await responses.

Significant outstanding issues are as follows:

- 1. Quantum of additional EFT (equivalent full time).** The ANMF and HACSU have submitted a claim to government for 128.8 EFT. The document can be viewed [here](#) or <http://goo.gl/0OWDez>. Whilst HACSU's claim is for 106 EFT, ANMF's claims also include additional mental health nurses across all shifts and on wards outside HDUs including sub acute, SECU, acute aged and perinatal.
- 2. A community workload management system** to address our seriously overworked community mental health nurses.
- 3. Occupational health and safety.** ANMF has become increasingly frustrated by various parties changing their minds on matters that have already been agreed. An example of this is detailed in the [letter to Mr Foley](#) relating to the critical issue of staff safety.
- 4. Confirmation of wages outcome.** ANMF is ensuring that the public sector nurses' and midwives' wage outcome will be applied to mental health nurses, including the significant uplift in 2019 of up to 20 per cent to match net NSW nurses' and midwives' wages. Those wage and allowance increases can be viewed [here](#) or <http://goo.gl/2HFzkl> ANMF is negotiating adjustments for the few nursing classifications where there is no direct comparison in general.

ANMF will call the next members meeting when we have an offer to recommend to public sector mental health nurses.

2. 100 days of protected industrial action

Congratulations to the 12 eligible area mental health services which marked 100 days of protected industrial action on Friday 26 August. And to those not eligible to engage in protected industrial action but who have contributed to the out of work campaign activities.

This has been significant action that does cause disruption, while not impacting on clients, designed to keep those responsible for the negotiations focused on the issues that are important to mental health nurses.

ANMF is speaking to the decision makers at the highest levels. ANMF continues to reiterate this agreement will be resolved by negotiations.

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Mental Health Protected Industrial Action Ballots

Congratulations on your ongoing advocacy for both your profession and improvements for the public mental health sector including 100 days of Protected Industrial Action (PIA) at:

- Albury Wodonga Health (NEBMHS)
- Barwon Health Services
- Goulburn Valley Health
- Latrobe Regional Hospital
- Mercy Public Hospitals Inc
- Royal Children's Hospital
- Ballarat Health Services
- Eastern Health
- Inner South Community Health
- Melbourne Health (NWMH)
- Mildura Base Hospital
- St Vincent's Hospital Melbourne

For those not able to engage in PIA at work, keep up your out of work activities.

VALUE ➤ **RECOGNISE** ➤ **REWARD**


**Australian
Nursing &
Midwifery
Federation**
VICTORIAN BRANCH

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3. 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

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.

4. 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 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

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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.

5. 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.

6. 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

7. 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