

## Bupa EBA campaign update 22

WEDNESDAY 4 OCTOBER 2017

# Stay strong, action escalates next week in selected facilities

## 1. All Bupa sites now taking protected industrial action

Well done, Bupa ANMF members! The Bupa EBA industrial action campaign is in full swing, with members at Bupa sites throughout Victoria now wearing campaign t-shirts and handing out campaign information to residents and visitors.

This morning, members at Bupa Barrabool, Bupa Bendigo, Bupa Bonbeach, Bupa Coburg, Bupa Croydon, Bupa Donvale, Bupa Echuca, Bupa Edithvale, Bupa Kyneton, Bupa Mildura, Bupa Templestowe, Bupa Traralgon, Bupa Windsor and Bupa Wodonga joined their colleagues in the industrial action campaign.

Stay strong. Nurses, carers and the broader community are behind you, providing great support through our ANMF (Vic Branch) Facebook page and in only three days more than 750 people have signed the petition.

ANMF staff reported an impressive commitment from the first days of action, with some nurses and carers even turning up on their day off to support their colleagues.

The current industrial action of wearing union aged care t-shirts and distributing campaign information to residents and their families will continue at *all 26 Bupa sites* until further notice.

## 2. Clarification on members' legal rights

1. Both union members and those who have nominated ANMF as their bargaining representative can lawfully engage in the protected industrial action without harassment. This includes those who have joined the union or nominated the ANMF as their bargaining representative after the declaration of the protected industrial action ballot on 12 September.
2. If your manager asks you if you are a union member, you are under no obligation to tell them.



**Bupa Greensborough**



**Bupa Bellarine Lakes**



**Bupa South Morang**



**Bupa Sunshine**



**Bupa Thomastown**

### 3. Status of negotiations

ANMF held further negotiations today with Bupa management. We have been seeking improved wages, terms and conditions, as well as improved staffing in Bupa's Victorian facilities.

This has become more complex now with Bupa's announcement of redundancies of nursing positions across Australia.

ANMF believes it is entirely unacceptable for Bupa to be asking its employees to accept rates of pay that are less than their Victorian colleagues doing the same work, and reduced staffing levels.

So it is critical that the campaign continue, for you, those who rely on you for care, and those who will work in aged care in the future.

### 4. Stopwork meetings and stage two action at selected facilities

Some Bupa facilities will progress to the second stage of protected industrial action next week.

On **Monday 9 October a stopwork meeting and barbecue** will take place at Bupa Clayton (1.30pm-3.30pm) and Bupa Ballarat (12.30pm-3.30pm).

On **Tuesday 10 October a stopwork meeting and barbecue** will take place at Bupa Edithvale (2pm-4pm), Bupa Portland (1pm-3pm and 3pm-5pm) and Bupa South Morang (1.30pm-3.30pm).

On **Wednesday 11 October, a stopwork meeting and barbecue** will take place at Bupa Bendigo (1.30pm-3.30pm), Bupa Mildura (2pm-4pm) and Bupa Sunshine (2pm-4pm - *time has been corrected*) and Bupa Thomastown (1.30pm-3.30pm)

On the day of the stopwork meeting and barbecue at these sites, protected industrial action at these sites only will escalate from 7am to include:

1. a ban on the completion of any paperwork or electronic forms related to the Aged Care Funding Instrument (ACFI), with no retrospective completion of such paperwork. Note – this is distinct from clinical paperwork in the resident history
2. finishing and commencing duty at the rostered times unless overtime is approved, in writing, in advance.

Please note: **The current industrial action of wearing t-shirts and distributing campaign information to residents and their families will continue at all 26 Bupa sites until further notice.**

### 5. Laundry allowance

Some members have reported being told they will lose their laundry allowance (of about 40 cents per shift) if they wear a union t-shirt. The laundry allowance is meant to cover the cost of cleaning your Bupa workwear, so there is no rationale for Bupa to not pay the allowance if you are wearing a union t-shirt over your Bupa shirt, or Bupa-branded trousers with your union t-shirt!

If you are being harassed about taking protected industrial action please fill out our new online form at [anmfvic.asn.au/Bupareport](http://anmfvic.asn.au/Bupareport)

## 6. Report harassment

If you are being threatened or harassed about taking protected industrial action, including being threatened with having your pay docked, please fill out this form [anmfvic.asn.au/Bupareport](http://anmfvic.asn.au/Bupareport)

A paper copy of this form can be found at the back of this update and can be faxed or emailed to ANMF.

## 7. ANMF member pay docking

In the event your pay is docked, the ANMF has a proud history of providing financial support to those who experience hardship. Forms will be available for applications next week.

## 8. Information for nurses working in management roles

*Is it legal for nurses in my facility to take industrial action?*

The Fair Work Act 2009 allows for 'protected industrial action'. This means that it is legal for Bupa nurses and carers to take industrial action provided all the requirements of that Act are met. This includes, for example, the ANMF providing your employer with three clear days' notice of the action our members may take (five clear days if action may include work stoppages) – which allows management to take steps to address any resident care issues that may arise.

The ANMF has complied with the Act and provided written notification to Bupa.

*What does ANMF recommend that managers do?*

ANMF understands managers will deal with the campaign in different ways. Some will step forward and lead their staff, others may take a neutral stance and some will support Bupa management's position. Whatever you choose to do, ANMF strongly encourages you to engage with ANMF staff and Job Reps to minimise any unnecessary impact on residents. Meeting with them to discuss how action can be managed and ensuring you are kept up to date with communications will mean that working relationships are maintained and enable all parties to work together cooperatively after the campaign has ended.

*What are my legal obligations?*

Protected industrial action is legal. There can be significant legal consequences if a manager is found to have coerced an employee into not taking part, or to breach a ban (e.g. on completing ACFI paperwork retrospectively). This is called 'adverse action' and under the Fair Work Act the individual manager and employer can both be fined.

ANMF members who are refusing to undertake tasks as part of protected industrial action are entitled to do so. As a manager you may be breaching the Fair Work Act if you counsel, discipline or report a nurse or carer for taking protected action, or threaten to do those things.

### *What are my legal rights?*

You have the same legal rights as the employees you manage. Sometimes managers feel obliged, or are even directed, to oppose the industrial action and try to ensure, as much as possible, that the activities of the facility continue. This can result in conflict with staff on the one hand and management on the other.

You have a right at any time to refuse an unlawful directive, including a directive to interfere with the taking of lawful industrial action.

To avoid potentially breaking the law you should seek confidential advice from ANMF or your solicitor if you are directed to take what might be 'adverse action' against another nurse or carer. As an ANMF member you are protected in seeking support against 'adverse action'. For more information visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or [www.fwc.gov.au](http://www.fwc.gov.au)

### *I am an ANMF member too. Can I participate?*

As a nurse manager, your terms and conditions are substantially, if not solely, set by the agreement ANMF negotiates. You have the same right to participate in the ANMF campaign as every other ANMF member in your workplace.

NB: If you experience any problems, please contact the ANMF immediately on 9275 9333 or contact your Organiser.

## **9. We're stronger together**

Encourage your colleagues to be part of the campaign for better wages and better staffing levels and skill mix. Invite them to join ANMF online at [anmfvic.asn.au/joinANMF](http://anmfvic.asn.au/joinANMF)

**Further updates will be provided as the campaign progresses**



## Form to report harassment or intimidation

First name \_\_\_\_\_ Surname \_\_\_\_\_ Member No \_\_\_\_\_

Workplace \_\_\_\_\_ Community name \_\_\_\_\_

Phone: Home \_\_\_\_\_ Mobile \_\_\_\_\_ Work \_\_\_\_\_

Date: \_\_\_\_\_ Shift start time: \_\_\_\_\_ Shift finish time: \_\_\_\_\_

Please provide details of any approach from management asking you to lift the bans / threats to have pay docked / harassment / intimidation (if necessary use an additional sheet):

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Time you were approached: \_\_\_\_\_

Names and position of person/s who approached you

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Names of witnesses and contact details to the incident, if possible

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What was your response?:

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What was the outcome? (For example, Were you told that your pay would be docked?)

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Do you believe that you were harassed/intimidated/bullied? Yes  No  If Yes, provide details:

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Complete this form, attach supporting information and email the ANMF (Victorian Branch): [records@anmfvic.asn.au](mailto:records@anmfvic.asn.au)  
You can also complete this form online at [anmfvic.asn.au/Bupareport](http://anmfvic.asn.au/Bupareport) or call the ANMF (Victorian Branch) on 9275 9333.  
Alternatively contact your workplace Organiser or Job Rep.