

Vote YES



**to approve your agreement in the electronic ballot between
3pm, Wednesday 13 December and 3pm, Monday 18 December**

Bupa EBA campaign update 31

WEDNESDAY 6 DECEMBER 2017

ANMF recommends Bupa members VOTE YES

1. VOTE YES when the ballot opens 3pm, Wednesday 13 December

The Bupa enterprise agreement has been finalised and was made available to all employees on Tuesday 5 December.

You can [view the agreement here anmfvic.asn.au/bupaeba17](http://anmfvic.asn.au/bupaeba17)

After 37 days of historic private aged care industrial action ANMF members voted last month to accept a proposed enterprise bargaining agreement settlement. **Vote YES** in the ballot to formalise the agreement to start receiving the significant benefits, including wage rises and back pay. [Read the ANMF vote YES flier](#)

The pay rise and proposed settlement applies to all Victorian Bupa employees, not just ANMF members, who will be able to vote on the question 'Do you approve the Bupa Aged Care Australia Victorian Enterprise Agreement 2017 – 2020?'

Please make sure your vote counts and participate in this important process. Approval requires a YES vote by more than 50 per cent of those employees who vote.

Ballot timeline

Employer makes agreement available to employees: from 2pm, Tuesday 5 December [Read the agreement](#)

Ballot opens: 3pm, Wednesday 13 December - **your employer will provide you with the voting link**

Ballot closes: 3pm, Monday 18 December

Ballot declared: Tuesday 19 December. If a YES vote is declared, the employer then files the agreement with the Fair Work Commission for final approval. Once the agreement has FWC approval it becomes legally enforceable seven days later.

2. Medication allowance clarification

ANMF Bupa members' log of claims included a four per cent medication allowance for personal care workers. Bupa management emphatically rejected the medication allowance claim during negotiations. Very few aged care providers offer this allowance and it would only apply to a small number of personal care workers and would be the equivalent of \$7 per shift.

ANMF formed the view the Sunday morning penalty rate increase from 150 to 175 per cent was a good win for personal care workers. This is an extra \$6.70 per hour or approximately \$51 per Sunday morning shift. It applies to personal care workers and other Bupa employees, but excludes registered and enrolled nurses.



3. Correcting misinformation

The HWU/ HSU has issued inaccurate statements about the proposed outcome and the existing agreement that must be corrected:

- 1. Fact: the current agreement already provides a fifth or extra week of annual leave for all enrolled nurses, personal care workers and aged care employees if they work 10 weekends or more and/ or work regular afternoon or night shifts on weekdays.** The HWU/ HSU claim that the proposed agreement does not include 'a fifth week of annual leave for PCWs and Support Staff who work at nights during the week' is WRONG.
- 2. Fact: the existing agreement (like almost all private sector aged care agreements) allowed the employer to insist that an employee with a Cert III or Cert IV in Aged Care who has received recognition of prior learning (RPL) for certain modules actually has training in core skills such as dealing with dementia, skin care, diabetes awareness and infection control. The clause specifically prevents demotion during any required training. This provision has been removed from schedule B.** The HWU/ HSU claim that the proposed agreement includes a 'shocking system that allows the employer to demote PCWs and some support staff if Bupa claims to not be happy with your qualification' is WRONG.
- 3. Fact: clause 42 of the existing agreement allows an employee to have 'a support person of his or her choice, including from the ANMF or HSU [HWU]'. The clause allows your union to be in the meeting with you and to challenge an unfair warning in the Fair Work Commission which is not possible in any other state under a Bupa enterprise agreement.** The HWU/ HSU claim that the agreement does not allow for an employee to 'be represented in disciplinary meetings' is WRONG.

For more information about the HWU/ HSU claims see [Bupa campaign update 30](#)

4. Timeline of an historic aged care campaign

Dec 2016 nurses and carers reject **Bupa's offer of a 2.1 per cent wage rise in a one-year agreement**, with no other improvements. ANMF holds barbecues outside all 26 Victorian Bupa facilities to discuss the EBA.

14 February 2017 ANMF holds Bupa member EBA information session

June 2017 Bupa nurses and personal care workers vote NO in Bupa's ballot of its proposed agreement which comprised a 2.3 per cent pay rise in a one-year agreement with no other improvements. ANMF places VOTE NO to low wages billboards outside every Victorian Bupa nursing home.

August 2017 ANMF rejects Bupa's offer of two 2.5 per cent wage increases in a two-year agreement with no other changes. ANMF applies to the Fair Work Commission for a protected industrial action ballot.

12 September 2017 ANMF members vote YES in the Bupa protected industrial action ballot vote. During the ballot ANMF VOTE YES billboards are placed outside every Victorian Bupa nursing home.

3 & 4 October 2017 ANMF members at all 26 Victorian Bupa nursing homes start first stage protected industrial action. Action includes wearing red campaign t-shirts, distributing campaign information to residents and relatives and speaking to the media. ANMF starts an online petition to Bupa Chairman Lord Leitch and the Bupa executive which reaches more than 6000 signatures. ANMF publishes half-page advertisements in major regional and metropolitan newspapers.

9 October 2017 ANMF members start the first of 15 stop work meetings and community barbecues. Second stage action also includes a ban on funding paperwork and on overtime unless prior written approval.

25 October 2017 400 ANMF members and supporters rally outside Bupa's Melbourne corporate office.

31 October 2017 ANMF members start three days of historic full shift strike action.

8 November 2017 ANMF member meetings at all 26 Victorian Bupa nursing homes vote to support a proposed enterprise agreement settlement. The proposed settlement includes **a 11.25 per cent increase over a three-year agreement with backpay and significant changes** to the workload clause, Sunday penalty rate, protection of accrued long service leave entitlement for employees transitioning to retirement, recognition of part-time employees' regular additional hours, ability to use personal leave as family violence leave, improved parental leave clause and improved e-learning clause.

9 November 2017 All protected industrial action ceases from 7am.

December 2017 ANMF recommends members vote YES in the electronic ballot to approve the proposed Bupa enterprise agreement. ANMF also launches an email campaign to pressure Federal Aged Care Minister Ken Wyatt to fix weak aged care legislation which allows inadequate staffing in private-for-profit and not-for-profit aged care nursing homes. Send an [email now via anmfvic.asn.au/agedcareratios](mailto:anmfvic.asn.au/agedcareratios)

For more Bupa campaign information anmfvic.asn.au/bupa





Bupa nurses and carers vote

YES

After an unprecedented aged care
protected industrial action campaign
vote YES in the electronic ballot
between 3pm, Wednesday 13 December and
3pm, Monday 18 December 2017

anmfvic.asn.au/bupa

Authorised by Lisa Fitzpatrick ANMF (Vic Branch) Secretary, December 2017.

VALUE ➤ RECOGNISE ➤ REWARD ➤ Bupa nurses and carers

ANMF
Australian
Nursing &
Midwifery
Federation
VICTORIAN BRANCH

Victorian Bupa aged care EBA ballot

Bupa's Victorian nurses and carers should be proud of their strong and united 37-day protected industrial action campaign to improve their wages and working conditions.

In December 2016 Bupa offered a 2.1 per cent wage increase in a one-year agreement with no other changes. You voted **YES** to a significantly improved EBA settlement at members meetings on Wednesday 8 November 2017. You now need to vote **YES** to formalise the EBA to start receiving your new wages, backpay and all the benefits including:

- ✓ Wages and allowances (1 August 2017 – 1 July 2020).
 - 11.25 per cent wage rise over a three-year agreement with back pay from 1 August 2017**
 - 2.75 per cent – 1 August 2017**
 - 2.5 per cent – 1 July 2018**
 - 2.5 per cent – 1 July 2019**
 - 1 per cent – 1 October 2019**
 - 2.5 per cent – 1 July 2020**
- ✓ A written and signed commitment that the first pay rise in the next agreement will be from 1 July 2021.
- ✓ The Sunday morning shift penalty rate will increase from 150 to 175 per cent for personal care workers and other all other support staff. This is an extra \$5 per hour or approx \$35 per Sunday morning shift.
- ✓ A staff replacement and workload management clause that:
 - encourages nurses and carers to raise workload issues, including leave replacement, in staff meetings
 - encourages nurses and carers to discuss concerns about unreasonable workloads with their manager. If appropriate action is not taken to address the issue, the employee may utilise the dispute resolution procedure. (Your ANMF Organiser can assist members with this process).
- ✓ A transition to retirement clause for employees, aged 55 years and over, who want to retire within the next five years. This enables nurses and carers to reduce their hours without impacting their accrued long service leave entitlements.
- ✓ An improved entitlement for part-time employees to have regular additional hours worked, above their contracted hours, recognised.
- ✓ A fairer excess annual leave clause. Staff will be able to accrue up to six weeks leave instead of four weeks without being directed by management to take a week's leave.
- ✓ An entitlement to use any accrued personal leave as family violence leave. This is significant recognition by a major private aged care employer that nurses and carers in a family violence situation need to maintain their employment but need time off work for legal, court and medical appointments or to make other safety arrangements.
- ✓ An improved parental leave clause, similar to the Victorian public sector nurses and midwives agreement clause, that recognises circumstances where a child dies, is still born or a neonatal death occurs.
- ✓ An improved e-learning clause where nurses and carers will be paid to undertake courses at work. Employees will be paid for any required online training that cannot occur during your shift.