

Vote YES



Bupa EBA campaign update 30

FRIDAY 1 DECEMBER 2017

ANMF recommends Bupa members VOTE YES

1. Upcoming ballot to approve proposed enterprise agreement

Bupa members voted last month to accept a proposed enterprise bargaining agreement settlement. To start receiving the significant benefits, including wage rises and back pay, you need to formalise the agreement by voting YES in an upcoming electronic ballot. [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.

Your employer must make the proposed enterprise agreement available to all employees seven days prior to the ballot. The ballot dates are expected to be confirmed soon.

2. Fairer EBA outcome thanks to your unprecedented campaign

Bupa's first offer in December 2016 was a wage increase of 2.1 per cent in a one-year agreement and no other changes.

After a 37-day historic campaign you, together with other ANMF members at your facility, achieved an 11.25 per cent wage increase over a three-year agreement, improved back pay and significant improvements to

other entitlements. **This pay rise and back pay will apply to all Bupa employees not just nurses and carers.**

Members also improved workload management processes which ANMF will support members to implement. Other benefits include a Sunday morning penalty rate increase for personal care workers and all other aged care employees (excluding enrolled and registered nurses) and protection of accrued long service leave entitlements for all employees who are planning to reduce their hours as they transition to retirement. Recognition that personal leave can be used by employees in a family violence leave situation, an improved parental leave clause, a fairer approach to excess leave and a better e-learning clause are all campaign wins.

You also secured a written commitment that the first pay rise in the next agreement will be from 1 July 2021 to ensure you do not have 19 months between pay rises again.

To get to this position, there were many hurdles. In May 2017 ANMF members voted down Bupa's proposed 2.3 per cent wage rise in a one-year agreement. You successfully voted in September 2017 to approve your protected industrial action ballot which enabled you to take 37-days of legal industrial action to achieve significant improvements to your wages and working conditions.

Thank you to all Bupa members for your strong and united campaign. Your stop work meetings and 400-strong rally outside Bupa's corporate office in October 2017 are unforgettable campaign moments. You have turned the tide and demonstrated that aged care nurses and carers will not accept the normalisation of understaffing in the private sector. This is only the beginning of a campaign for the political and legislative fix that is required to introduce nurse/carer to resident ratios in private-for-profit and not-for-profit nursing homes. This campaign is not about more funding, it is about a mechanism to ensure nursing homes are staffed to provide safe, quality and dignified care to nursing home residents.

See page 4 for details about a [new email campaign](#) to Federal Aged Care Minister Ken Wyatt.



3. Other union issues

Members will be aware that the Health Workers Union/ Health Services Union members were successful in their 16 November protected industrial action ballot. The HWU/ HSU attended all of the Fair Work Commission conciliation meetings (11, 19 and 31 October and 16 November) except one. On 11 October the ANMF and HWU/ HSU had an agreed list of outstanding matters prior to the Fair Work Commission meetings. The HWU/ HSU raised four new matters on 15 November 2017 on the eve of the final conciliation meeting. Bupa has rejected all HWU/ HSU claims which were:

- personal care worker medication awareness allowance
- disciplinary procedure
- disputes resolution procedure
- union facilitation clauses and payroll deduction of HWU/HSU fees.

We respect that HWU/HSU as a right to pursue its claims, but these claims were not on the agreed list nor were they raised when FWC meetings started. Significant progress was made in these negotiations thanks to ANMF members' unprecedented campaign. ANMF believes all personal care workers and other aged care employees have gained more through the increase to the Sunday morning penalty rate. A further delay will disadvantage all employees and outweighs any benefits pursuing these three matters. The payroll matter is about union membership of HWU/ HSU and is not an employee issue.

We strongly recommend ANMF members vote YES in the upcoming ballot to approve the proposed agreement so you can start receiving the benefits of your hard work and begin the next campaign for safe staffing levels in aged care.

Correcting misinformation

The HWU/ HSU has issued inaccurate statements about what is in 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.

4. A national campaign – aged care ratios

ANMF will campaign nationally for nurse/carer to resident ratios in private for-profit and not-for-profit aged care in the lead up to the next election. There will be many opportunities for Bupa members to participate and support this campaign.

In the meantime members are encouraged to sign and send this [email campaign \(anmfvic.asn.au/agedcareratio\)](mailto:anmfvic.asn.au/agedcareratio) demanding Federal Aged Care Minister Ken Wyatt legislates nurse/ carer to resident ratios in nursing homes. The email will also be sent to Prime Minister Malcolm Turnbull, Opposition Leader Bill Shorten and Opposition Spokesperson for Ageing Julie Collins and Senator Derryn Hinch who is the only federal politician to formally recognise that the aged care legislation allows inadequate staffing levels in nursing homes.

Our industrial dispute may be over, but we will need your support to continue the campaign for safe staffing levels and better resident care.

Sign and send the email campaign to Federal Aged Care Minister Ken Wyatt.



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.