

**THAW YOUR  
FROZEN HEART  
BOLTON CLARKE**

**FRIDAY 12 JULY 2024**

# **BOLTON CLARKE EBA UPDATE**

## **ANMF MEMBER UPDATE MEETING**

ANMF will hold an online members meeting 11am, Sunday 14 July 2024.

A further members meeting notice and link will be sent to members later today.

## **STAGE ONE PROTECTED INDUSTRIAL ACTION TO START MONDAY**

ANMF members stage one protected industrial action will start from 7am, Monday 15 July 2024.

ANMF has received correspondence from Bolton Clarke management foreshadowing it will 'take employer response action under section 411 of the Fair Work Act 2009, by way of lockout.'

Bolton Clarke's threat to 'lock out' staff could mean standing members down, not providing rostered shifts and loss of pay. The effect of their proposed action may mean they do not have enough nurses, midwives or personal care workers to provide safe care for residents and clients.

We believe this could be part of Bolton Clarke's legal strategy to have members' industrial action suspended or terminated in the Fair Work Commission. This tactic is rarely used; you may remember former Qantas CEO Alan Joyce grounded an entire fleet of planes in 2011 in order to terminate workers' protected industrial action.

ANMF members have a legal right to take this protected industrial action. Your action will cause inconvenience to Bolton Clarke management, but it will not impact resident or client health, welfare or safety.

ANMF reassures members that we will support members who are threatened, intimidated or harassed or lose pay as a result of taking protected industrial action.

We have established two online forms for members to:



1. Report pay docking threats, intimidation and harassment via **[anmfvic.asn.au/bcindustrialactionform](https://anmfvic.asn.au/bcindustrialactionform)** or scan the QR code

2. Make a hardship fund application to be supported by your union via **[anmfvic.asn.au/bchardshipform](https://anmfvic.asn.au/bchardshipform)** or scan the QR code



**As part of your campaign for improved wages and working conditions, members are advised to start all stage one industrial actions listed below from 1 to 19 from 7am, Monday 15 July.**

**We encourage members to stand strong together and support each other.**

ANMF is meeting with management on Monday, but calls on Bolton Clarke to enter into intensive negotiations until we reach agreement.

## **STOP WORK AND COMMUNITY RALLY**

ANMF is foreshadowing notifying Bolton Clarke of protected action item number 25 and a two-hour stop work and community rally to be held:

**Monday 22 July, 1pm to 3pm, outside Bolton Clarke's headquarters 347 Burwood Highway, Forest Hill**

Wear your red campaign t-shirt and bring your placards and signs.

ANMF will provide Bolton Clarke with the required five-days' notice of intention to take this two-hour stop work meeting (which is protected industrial action item 25) today.

Item 25 on the protected industrial action ballot order reads: *single and/or consecutive work stoppages of up to four (4) hours duration including such stoppages to travel for and to attend stop-work meetings (including those organised and directed by the ANMF).*

## STAGE 1 PROTECTED INDUSTRIAL ACTION TO COMMENCE 7AM, MONDAY 15 JULY

Following the successful protected industrial action ballot, ANMF wrote to your employer on 9 July 2024 to provide in excess of the required (minimum) three working days' notice of the commencement of stage one protected industrial action on 15 July.

### WHEN CAN THE PROTECTED INDUSTRIAL ACTION START?

The action can start from 7am, on Monday 15 July 2024.

### WHO CAN PARTICIPATE?

ANMF members who are employed by Bolton Clarke and are either:

1. Registered Nurses, Registered Midwives or Enrolled Nurses
2. Personal Care workers

### WHICH PROTECTED INDUSTRIAL ACTION STARTS ON MONDAY 15 JULY?

Each of the following can commence:

1. Delaying or restricting the performance of normal duties through a ban on the employer's uniform policy or dress code, for the purpose of engaging with media, staff, patients, visitors, residents/patients and their families about the proposed agreement, with employees wearing, distributing and displaying ANMF campaign materials such as tshirts, badges, written communications, stickers in support of the proposed agreement.
2. An indefinite or periodic ban on performing work in clothes or uniforms which do not have bargaining campaign material and/or badges attached, except for any required PPE.
3. Interrupting or stopping work to attach union campaign material to work clothing.
4. Interrupting or stopping work to write messages in support of the proposed enterprise agreement on the outside of Bolton Clarke vehicles and/or equipment and/or infrastructure.
5. Administrative bans, including the refusal to collect, record, complete or document nonclinical/administrative information required by the employer including but not limited to processing of invoices or accounts, start and finish times of each visit in the Procura phone app, outcome measures, vehicle logbooks, statistical data, daily returns, but excluding any report directly related to patient/resident or staff safety.

6. A ban on the collection and/or entry of any data (that is not required by law to be entered into the patient/resident record or related directly to patient/resident or staff safety) and a refusal to record, collect or complete data required by the employer.
7. A refusal to implement any workplace or system change proposed by management, subject to the discretion of the ANMF Branch Secretary in circumstances where the Secretary is satisfied that if the change did not proceed, it may negatively impact on staff or patient/resident safety.
8. A ban on the completing of any paperwork or electronic forms in residential aged care other than that directly related to the documenting of resident care.
9. A ban on providing information to management in relation to who is participating in protected industrial action.
10. Stopping work for up to 10 minutes duration to explain to clients and patients/residents and visitors to the employer or in a residential location the purpose of the protected industrial action.
11. Taking the full period of all breaks (including meal breaks and rest/tea breaks), even if this means not completing the full schedule of At-Home visits.
12. Interrupting and/or stopping work to add EBA campaign messages to email signatures and screen savers.
13. A ban on sending emails unless they contain the following text:

*Nurses, carers and allied health staff at Bolton Clarke and Allity have worked through the pandemic while experiencing declining real wages and conditions.*

*We are struggling to meet cost of living pressures. At the same time casualisation and organisational change has created a difficult working environment, with new staff being difficult to attract and retain.*

*The Australian Nursing and Midwifery Federation and other unions are trying to negotiate a new enterprise agreement with management on our behalf. We are asking for better and competitive wages. Bolton Clarke wages lag behind the public sector and major aged care providers. We are asking for decent working conditions including earlier access to long service leave, better parental leave, Victorian health industry standard personal leave and better annual leave to make our working lives better and to retain the staff who care for vulnerable clients/resident both at home and in residential facilities.*

*We ask for your support and understanding as we engage in protected industrial action in support of a fair outcome.*

*See [www.anmfvic.asn.au](http://www.anmfvic.asn.au) for more information.*

14. Interrupting and/or stoppages of work of up to one hour per occasion to communicate with the media, post photos, change their background on electronic communications or write a message on social media about issues relating to enterprise bargaining (having regard to patient confidentiality and s. 141 of the Health Services Act).
15. A ban on working overtime directed or requested by Bolton Clarke.
16. A ban on working beyond or outside ordinary starting and finishing times unless overtime is approved by the employer in writing and in advance.
17. A ban or limitation on any response to any work-related emails, telephone calls or other communication from Bolton Clarke, unless the email is directly related to patient/resident or staff safety.
18. A ban or limitation on receiving or responding to any telephone calls, emails or communication from Bolton Clarke management during breaks.
19. A ban on the movement or redeployment of any employee from one location to any other location at Bolton Clarke.

### WHICH PROTECTED INDUSTRIAL ACTION DO I TAKE?

Members can take any of the industrial action that is listed above. Your unit/work area should discuss the specifics of what that action may be (such as the particular data that will not be collected).

### HOW SHOULD AT-HOME SERVICES MEMBERS IMPLEMENT THE DATA AND ADMIN BANS?

In terms of data and administration bans related to (item 5) we urge members in at-home services to institute the following bans:

1. A ban on starting and finishing appointments on the Procura phone app for client appointments. (Please note dated/progress notes must be entered as usual).
2. A ban on entering client related indirect care appointments on Procura otherwise known as "Quick Visits" in respect to phone calls, documentation or case conferences etc. (Please note dated/progress notes must be entered as usual).
3. A ban on completing CHSP Co-Contribution Calculator (advising clients that if they get a bill from Bolton Clarke for the full amount they should advise BC that the calculator has not been completed due to protected industrial action and that they will not be paying it).
4. A ban on providing odometer reading at the time of purchasing petrol.
5. In HPP do not put in stats at end of day with codes in Procura (only enter in dated notes).
6. A ban on the entry of the LogBook Me app for Bolton Clarke work vehicles.

### HOW SHOULD AT-HOME SERVICES IMPLEMENT THE REDEPLOYMENT BAN?

In relation to a ban on redeployment (item 19) we are applying this in at-home services as if it reads: a ban on the movement or redeployment of any employee from one location/workgroup to any other location/workgroup at Bolton Clarke.

This includes a ban on the movement or redeployment of any on-call employee covering weekends and public holidays from one workgroup to any other workgroup. Members can and should continue to be redeployed across the local area teams (LATs) in your workgroup, but not outside your workgroup (unless you do not have a home or allocated workgroup and you would usually be working/rostered across multiple workgroups).

### WHAT DO I DO IF I AM THREATENED FOR PARTICIPATING IN PROTECTED INDUSTRIAL ACTION?

If this does happen:

1. Make a written record of what occurred, while it is fresh in your memory.
2. If possible, contact your ANMF Job Rep straight away.
3. If not possible, contact ANMF as soon as you can on 9275 9333 or fill in our online form via [anmfvic.asn.au/bcindustrialactionform](https://anmfvic.asn.au/bcindustrialactionform)
4. ANMF will deal with Bolton Clarke directly and (unless you are happy to be named) confidentially, to ensure you are able to participate in what is your legally protected right.

### HOW TO GET A RED T-SHIRT?

This week ANMF has posted t-shirts, bumper stickers, dear resident/client letters and bumper stickers to home nursing service members as requested. Organisers have delivered t-shirts and materials to Job Reps and members across Bolton Clarke's 22 nursing homes. If your workplace requires materials, please speak with your ANMF Job Rep or contact ANMF via [records@anmfvic.asn.au](mailto:records@anmfvic.asn.au)

### CAMPAIGN RESOURCES



Campaign resources including the dear resident/client letter, the members' speak out flyer, social media guidance, a Teams background, the email message, a social media profile pic and the 'Thaw your frozen heart Bolton Clarke' online petition are available via [anmfvic.asn.au/bcresources](https://anmfvic.asn.au/bcresources) or scan the QR code.

## THAW YOUR FROZEN HEART BOLTON CLARKE ONLINE PETITION



Members are encouraged to share the online petition with their friends and family to ensure the wider community understands Bolton Clarke has very little heart when it comes to the way it values its nurses, personal care workers and midwives. To sign the petition visit [anmfvic.asn.au/boltonclarkefrozenheart](https://anmfvic.asn.au/boltonclarkefrozenheart) or scan the QR code.

## TAKE PHOTOS AND VIDEO OF YOUR ACTION



Take photos and short video of members wearing the campaign t-shirts, writing campaign messages on your cars, or reading their letter to the editor or Bolton Clarke management so we can share these on ANMF's social media channels and in our publications. Please don't email photos or video as the quality will be reduced. Instead upload the original-sized files to our Bolton Clarke Dropbox folder via [anmfvic.asn.au/bcdropbox](https://anmfvic.asn.au/bcdropbox) or scan the QR code.

## STATUS OF NEGOTIATIONS

Negotiations continue on midday 15 July with Bolton Clarke. There are a range of unresolved matters, primarily the classification structure, the wages which attach to those classifications and the wage increases for 2024 and subsequent years.

ANMF has rejected Bolton Clarke's wages offer of 2% for all staff as unacceptable.

There are also issues around allowances (especially shift and on-call allowances) and leave clauses. While we have made some progress, we still have some way to go.

If you need t-shirts or have something to report, please contact the Industrial Organiser for your site via [records@anmfvic.asn.au](mailto:records@anmfvic.asn.au) as per the details below:

- Allity - Camberwell Green, Toni Coughlin
- Allity - Claremont Terrace Hostel, Jo Petrini
- Allity - Glendale Aged Care Facility, Te Arahi Samakowidic
- Allity - Greenview Aged Living, Ann-Marie Thompson
- Allity - Highwood Court Aged Care, Mietta Van Dam
- Allity - Medina Manor Hostel, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Allity - Montclair, Jo Petrini
- Allity - Princeton View Aged Care, Jo Petrini
- Allity - Riddell Gardens Hostel, Cassia Drever-Smith
- Allity - Tannoch Brae Aged Care, Cynthia Salmons
- Allity - Templestowe Manor, Liana Coulthard
- Allity - Trevi Court, Lisa Harvey
- Allity - Head Office, Toni Coughlin

- Bolton Clarke (Head Office), Toni Coughlin
- Bolton Clarke - Avonlea, Jenna Nelson
- Bolton Clarke - Bayside, Jenna Nelson
- Bolton Clarke - Lexington Gardens, Jenna Nelson
- Bolton Clarke - Lilydale Residential Aged Care, Nicole Brown
- Bolton Clarke Central Office, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Eastern Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Homeless Persons Program, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Northern Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Rally Healthcare, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Southern Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Support Centre, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- Bolton Clarke Western Melbourne Metropolitan Hub, Bill Foord-Engelsman (backfilling Alana Ginnivan)
- McKenzie Aged Care - Charlesbrook, Liana Coulthard
- McKenzie Aged Care - Lynbrook Park, Nicole Semmler
- McKenzie Aged Care - Newmans on the Park, Liana Coulthard
- McKenzie Aged Care - Rosebrook, Kate Hyland
- McKenzie Aged Care - Sutton Park, Cassia Drever-Smith
- McKenzie Aged Care - The Ashley, Liana Coulthard
- McKenzie Aged Care Group - Head Office, Jo Petrini