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ST VINCENT'S PRIVATE HOSPITALS NURSES AND MIDWIVES EBA 2024

CAMPAIGN UPDATE 7, WEDNESDAY 13 NOVEMBER 2024

ST VINCENT'S PRIVATE EBA UPDATE

Protected industrial action to start 7am, Monday 18 November

PROTECTED INDUSTRIAL ACTION BALLOT OUTCOME

St Vincent's Private Hospitals nurses and midwives have sent a strong message to their employer that nurse/midwife patient ratios and improved allowances, entitlements and conditions are important to you.

Of the 76 per cent of members who voted in the protected industrial action ballot (out of 837 on the voter roll), 93 per cent voted YES.

The successful ballot was held between Wednesday 6 November and Monday 11 November.

A successful ballot requires at least 50 per cent of eligible members to vote and more than 50 per cent of those who voted to vote 'yes'.

ANMF has given the required three days working notice to commence protected industrial action at 7am Monday 18 November.

STATUS OF NEGOTIATIONS

ANMF and St Vincent's Private Hospitals appeared before Fair Work Commissioner Mirabella on Thursday 7 November in a compulsory conference related to the protected industrial action ballot. That conference achieved very little. ANMF offered three afternoons to meet this week but we have not heard further from St Vincent's.

We stand ready to continue discussions with management about the key issues: ratios/staffing, allowances and the many conditions that have been achieved in the public sector but have not been offered to St Vincent's Private Hospitals nurses and midwives.

PROTECTED INDUSTRIAL ACTION TO START 7AM, MONDAY 18 NOVEMBER

From 7am, Monday 18 November, ANMF members will commence protected industrial action across the four St Vincent's Private Hospitals facilities for a fair enterprise agreement that provides improved staffing levels, safer patient care and improved allowances and conditions.

An online ANMF members' meeting on Tuesday 12 November confirmed the start of the protected industrial action.

On Tuesday 12 November, ANMF gave your employer the required three days' notice for stage one protected industrial action to commence on Monday 18 November (but not before!) This action includes:

- a) wearing ANMF campaign T-shirts
- b) handing out 'Dear Patient' letters about the campaign and discussing it with them and their visitors
- c) writing letters to the editor, calling talkback radio
- d) posting about your campaign on social media
- e) administrative and collection of data bans
- f) a ban on the scanning, documenting or entry of any item related to billing clients
- g) taking the full period of all breaks
- h) a ban on overtime or working before or after your scheduled start/finish times
- i) a ban on redeployment from your home ward to another ward (or campus to campus)
- j) refusal to provide information regarding who is taking protected industrial action

The protected industrial action is designed to ensure patient health, safety and welfare are not at risk. The full list of actions on the protected industrial action ballot order is set out below.

Please note members can legally take protected industrial action when advice is provided to you. There are serious consequences if you take unauthorised industrial action. This means you cannot start any of the protected industrial actions listed below before 7am, Monday 18 November.

CAMPAIGN RESOURCES AND RED T-SHIRTS



ANMF Organisers will distribute red t-shirts by Friday 15 November and campaign materials as they become available. Many of the campaign materials will be published on the ANMF St Vincent's Private Hospitals campaign resources page at the QR code or anmfvic.asn.au/stvprivresources.

For T-shirts please contact your ward/theatre ANMF Job Rep or Mim Harrison via the ANMF office on 9275 9333 or mharrison@anmfvic.asn.au for Fitzroy, East Melbourne and Werribee. For Kew, please contact Jodi Dowler on jdowler@anmfvic.asn.au.

Resources to support members (most will be available on the campaign page and printed in hard copies) will include:

- How to implement protected industrial action
- A dear patient and family letter
- Nurses and midwives speak out flier (to help you write letters to the editor and call talkback radio)
- How to implement the social media work bans
- Information for senior nurses and midwives during protected industrial action
- Teams background for meetings
- The campaign message for your work emails.

TAKE PHOTOS AND VIDEO OF YOUR ACTION

As soon as the protected industrial action starts on Monday, take photos and short video of members wearing the campaign t-shirts or reading their letter to the editor or with your 'Safe staffing/ratios now!' signs so we can share these on ANMF's social media channels and in our publications.

Please refer to the social media work ban guidance that ANMF will issue shortly. Remember to take your pics or videos holding the camera vertically as these are then more useable for social media reels.



Please don't email photos or video as the quality will be reduced. Instead upload the original-sized files to our St Vincent's Private Hospitals Dropbox folder via the QR code or at anmfvic.asn.au/stvsdropbox.

HARDSHIP FUND AND REPORTING PAY DOCKING THREATS OR HARASSMENT

It is your right under the *Fair Work Act* to take protected industrial action in support of the campaign for an enterprise agreement.

'Protected' means you cannot be terminated or disciplined for taking industrial action – provided it is action within the list below. If, or when, we move to other items like shutting beds or stopping work then management still have the right to dock pay for the time of the stoppage e.g. if you stop work for two hours then they can deduct two hours pay only.

ANMF will support members who are threatened, intimidated or harassed or who lose pay as a result of taking protected industrial action. Where a member loses income as a result of protected industrial action and is facing hardship, the ANMF (Vic Branch) will support that member financially through our hardship fund. In the recent Bolton Clarke dispute ANMF paid out over \$34,000 to members in more than 300 claims.

During the protected industrial action campaign members have access to two forms to:



1. **report pay docking threats, intimidation and harassment** via anmfvic.asn.au/stvprivreport or scan the QR code.



2. make a hardship fund application to be supported by your union via anmfvic.asn.au/stvprivhardship or scan the QR code.

Please note members will need to upload pay slip evidence of pay docking and the date of pay docking as part of any application.

WHO CAN TAKE THE PROTECTED INDUSTRIAL ACTION?

All ANMF members who are employed by St Vincent's Private Hospitals as registered nurses, enrolled nurses or midwives (regardless of whether you voted in the protected industrial action ballot or not).

WHAT IS STAGE ONE PROTECTED INDUSTRIAL ACTION?

Following the successful protected industrial action ballot, ANMF wrote to your employer on 12 November 2024 to provide the required (minimum) three working days' notice of the industrial action. Here is the full list of protected industrial action that can be taken from 7am, Monday 18 November:

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 t-shirts, 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. A refusal to undertake receptionist/administrative duties.
5. A ban on administrative tasks including, but not limited to, the:
 - collection and/or entry of any data (that is not required by law to be entered into the patient record or related directly to patient or staff safety) and a refusal to record, collect or complete data required by the employer.
 - A ban on noting or documenting start and finish times of consultations or procedures.

- A ban on the completing of any paperwork or electronic forms other than that directly related to the documenting of patient care.
 - A ban on the scanning, documenting or entry of any item related to billing of clients.
6. A refusal to implement a major change to production, program, organisation, structure, or technology in relation to its enterprise and the change is likely to have a significant effect on employees of the Employer 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 safety.
 7. A ban on providing information to management in relation to who is participating in protected industrial action.
 8. A ban on attending or participating in management meetings unless fully backfilled.
 9. Stopping work for up to 10 minutes duration to explain to patients and visitors to the employer the purpose of the protected industrial action.
 10. Taking the full period of all breaks (including meal breaks and rest/tea breaks), even if this means not completing the full schedule of work.
 11. Interrupting and/or stopping work to add EBA campaign messages to email signatures and screen savers.
 12. A ban on sending emails unless they contain the following text:

Nurses and midwives at St Vincent's Private Hospitals Ltd have worked through the pandemic while under enormous pressures.

The Australian Nursing and Midwifery Federation is trying to negotiate a new enterprise agreement with management on our behalf. The wages offer is acceptable – but wages aren't everything. We are asking for safe staffing and workload standards and for these standards to be included in our enterprise agreement. We also want conditions that match our colleagues in the public sector – over 40 conditions that the public sector nurses and midwives enjoy but we don't have.

The proposed offer from St Vincent's contains neither staffing standards nor significantly better conditions.

If we don't have safe staffing standards in our enterprise agreement – nurse or midwife to patient ratios to guarantee how many patients we each look after on any particular shift – then staff will simply make the decision to work elsewhere or will suffer from burnout. Retention and recruitment of nurses and midwives will be more difficult, which we believe may have a negative effect on the care we can provide the community. The health system relies on private health insurance and having a strong private hospital system available to make the system sustainable.

Without well-functioning private hospitals the public system would be over-loaded.

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 for more information.

13. 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*).
14. A ban on working overtime directed or requested by the employer.
15. A ban on working beyond or outside ordinary starting and finishing times unless overtime is approved by the employer in writing and in advance.
16. A ban or limitation on any response to any work-related emails, telephone calls or other communication from St Vincent's Hospitals Ltd, unless the email is directly related to patient or staff safety.
17. A ban on redeployment, i.e. a ban on a member being required by the employer to move from the ward (or part of the ward) they typically work on, to another ward (or another part of that ward). Members are free to decline redeployment as they are participating in protected industrial action. Members can agree to be redeployed but are equally free to refuse redeployment.
18. A ban or limitation on receiving or responding to any telephone calls, emails or communication from St Vincent's Private Ltd management during breaks.
19. A ban on nurses or midwives undertaking patient post-discharge follow-up calls.

GOT A CAMPAIGN INQUIRY?

If you need to get in touch with your ANMF Organiser please contact them via records@anmfvic.asn.au.

St Vincent's Private Hospital, Fitzroy –
Mim Harrison (relieving for Mitch Hoover)

St Vincent's Private Hospital, East Melbourne –
Mim Harrison (relieving for Mitch Hoover)

St Vincent's Private Hospital, Kew –
Jodi Dowler (relieving for Narelle Hayes)

St Vincent's Private Hospital, Werribee –
Mim Harrison (relieving for Mitch Hoover)