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ST VINCENT'S PRIVATE HOSPITALS NURSES AND MIDWIVES EBA 2024

CAMPAIGN UPDATE 17, FRIDAY 3 JANUARY 2025

ST VINCENT'S PRIVATE EBA UPDATE

St Vincent's Private members remain steadfast in their campaign for safe staffing

Congratulations to all St Vincent's Private Hospitals members who have maintained stage one action over the holiday season. ANMF mobile and static digital billboards were activated over the Christmas and New Year period to support your commitment to this important campaign. We hope that the 'St Vincent's nurses and midwives want safe staffing for their patients' billboards have ensured that community awareness is maintained over the busy festive season.

It is time though to send the strongest message we can to management that safe staffing measures in your enterprise agreement must be negotiated.

STATUS OF NEGOTIATIONS

As reported before Christmas, St Vincent's Private management has agreed to provide requested information to ANMF by Tuesday 7 January and have agreed to meet later in that week, or in the following one, to continue negotiations.

STAGE ONE PROTECTED INDUSTRIAL ACTION CONTINUES, ROLLING STOPPAGES TO RESUME MONDAY 6 JANUARY, FURTHER ACTION COMMENCES WEDNESDAY 8 JANUARY

Stage one action continues (actions are listed at the end of this update) and rolling stoppages maintained in strategic areas throughout January.

In addition, ANMF has notified St Vincent's Private of members' intention to take the following protected action from 7am on Wednesday 8 January:

1. A refusal to undertake food services related duties such as the delivery of meals, snacks and/or beverages to patients.
2. A ban by any nurse/midwife in charge of a ward or unit taking a patient load (whether they are the nurse or midwife unit manager or a nurse or midwife in charge in the out-of-hours of the NUM or MUM).
3. The closure of beds (per ward or unit) in the event staff are not replaced, and will involve the closure of a number of beds per ward that would have open if staff were replaced.

4. The closure of up to one in three operational beds (i.e. beds that were open as at the day before the commencement of the industrial action) and, subject to exemptions (see note below), a refusal to admit to those beds.
5. A refusal to reopen beds (i.e. beds that were closed as at the commencement of, or during, the industrial action) and, subject to exemptions (see note below), a refusal to admit to those beds.

Note: Exemptions will apply to cardiac, neurosurgery, oncology, maternity/obstetrics, paediatric, neonatal and palliative care patients or emergency patients, patients in intensive care, high dependency and coronary care units or emergency patients where their condition is expected to deteriorate within 48 hours if they were to not be admitted to an inpatient bed.

Information on closing beds is included in your Industrial Action Kit – or you can download a digital version via anmfvic.asn.au/stvpriv-pia – and delegates will be speaking with members in your workplace about how and when this will occur.



An all-site members' meeting on MS Teams has been scheduled for 2.30pm on Tuesday 7 January in advance of the action above commencing.

ANMF staff were back visiting Fitzroy from today 3 January and will be out visiting East Melbourne, Kew and Werribee members from Monday 6 January if you have any questions in relation to the action or other issues.

YOU HAVE A RIGHT TO REFUSE ANNUAL LEAVE IF YOUR EMPLOYER WANTS YOU TO GO HOME

Members are reminded that if you are full time or part time and you are approached by your employer to take annual leave instead of working your rostered shift, you are entitled to refuse. This is a normal workplace entitlement.

Refusing to take annual leave at the request of management during January, will support our campaign for safer staffing and workload relief.

HARDSHIP FUND AND REPORTING UNPAID STAND DOWN, PAY DOCKING THREATS OR HARASSMENT

As reported, the processing of hardship form applications has been slightly delayed over the Christmas and New Year period because of the ANMF office closure. Applications stemming from the pay run on 25 December will be processed from Thursday 2 January but are unlikely to reach bank accounts until 10 January.

It is your legal right under the *Fair Work Act 2009* to take protected industrial action in support of your campaign for an improved enterprise agreement.

'Protected' means you cannot be terminated or disciplined for taking industrial action. For protected industrial action items like shutting beds or stopping work, management still has 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.

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



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



2. report a stand down in circumstances where you have refused to be redeployed as part of the industrial action via the QR code or anmfvic.asn.au/redeployment



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

Please note members will need to upload pay slip evidence of pay docking as part of any application for hardship funds.

In the event your shift is cancelled as a result of you notifying your participation in the STOP WORK, also include the roster as part of your application.

GOT A CAMPAIGN ISSUE OR INQUIRY

If you need to get in touch with your ANMF Organiser please contact them via records@anmfvic.asn.au. If it is an emergency call the numbers below.

St Vincent's Private Hospital, Fitzroy
– Mitch Hoover on 0498 440 064

St Vincent's Private Hospital, East Melbourne
– Mitch Hoover on 0498 440 064

St Vincent's Private Hospital, Kew
– Mitch Hoover on 0498 440 064

St Vincent's Private Hospital, Werribee
– Mitch Hoover on 0498 440 064

WHAT ARE THE STAGE ONE PROTECTED ACTIONS?

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 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.