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ST VINCENT'S PRIVATE HOSPITALS NURSES AND MIDWIVES EBA 2024

CAMPAIGN UPDATE 20, FRIDAY 24 JANUARY 2025

ST VINCENT'S PRIVATE EBA UPDATE

DAY 68 OF PROTECTED INDUSTRIAL ACTION

Intensive EBA negotiations to start: members vote to pause bed closures, stop works and theatre stoppages for two weeks

All other protected industrial action continues

BED CLOSURES, STOP WORKS AND THEATRE STOPPAGES ON PAUSE FROM SATURDAY 25 JANUARY

St Vincent's Private Hospitals members, at a meeting held this afternoon, have voted to pause all stage 2 protected industrial actions (excluding item 20 and 26) for two weeks as a sign of good will in support of a new schedule of EBA negotiations with management.

The pause on stage 2 actions will come into effect from tomorrow – Saturday 25 January to Saturday 8 February (inclusive).

The pause includes any actions related to bed closures, stop works and theatre stoppages only.

It excludes item 20 – a refusal to undertake food delivery services, and item 26 – the ban on the nurse or midwife in charge refusing a patient load. Both of these bans will continue.

Members will continue to implement all stage one protected industrial actions – items 1 to 19, including a ban on redeployment.

See below for a full list of the actions that are paused and the actions that continue.



Read a copy of the 24 January 2025 members meeting resolution via the QR code or anmfvic.asn.au/24janresolution

TEMPORARY PAUSE IS DEPENDENT ON THE PROGRESS OF NEGOTIATIONS

The ANMF members' resolution specifically says that continuation of the two-week pause beyond 8 February is dependent on the ANMF and St Vincent's Private management reaching a satisfactory resolution (or sufficient progress towards a resolution), especially on the following outstanding issues:

1. **Finding practical solutions to the genuine staffing and workload issues** raised by members and the

ANMF especially in relation to: maternity/birth suites/ ante-natal, Fitzroy neuroscience, East Melbourne paediatrics, Kew night shift, in-charge with patient load (which affects in particular the night shift workload) and standards for theatres/recovery/ICU.

2. **The additional sixth week of annual leave for part-time staff** and how this could be implemented within the life of the agreement.
3. **Reversal of the reduction in the original wages offer by 0.5 per cent and improved allowances** (especially on-call and night duty) that are competitive with the public sector across the life of the agreement.

If satisfactory progress is not made, then members will implement all paused protected industrial action again from the week of Monday 10 February (subject to a further decision of members on 7 February – see below).

ANMF has also made it clear that while these are the major issues that need to be resolved, we are not limited to these issues in discussions (which may also include items previously identified as a priority).

St Vincent's Private Hospitals management has agreed to meet with ANMF at least twice a week for the next two weeks for intensive and focused discussions.

ANMF will hold a report back members meeting via Teams at 2.30pm Friday 7 February to discuss progress of the negotiations and the status of the stage 2 protected industrial action pause.

REMINDER: BAN ON RESPONDING TO COMMUNICATION OUTSIDE YOUR SHIFT

ANMF is aware that members are receiving management communications requesting redeployment and shift changes outside their shift. **Part of your industrial action means you do not have to respond to any management communication (phone, text or email) outside your shift hours, unless it is directly related to patient or staff safety.**

Item 16 on the protected industrial action ballot order is: "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."

DOCTORS SUPPORTING ST VINCENT'S NURSES AND MIDWIVES

ANMF members have been using a new 'Dear Doctor' letter, stickers and pledges to have discussions with their colleagues about their legal and protected industrial action, and their key claim for safe staffing.

Thank you to those doctors who have taken the time to have these conversations. And thank you to the doctors and other St Vincent's Private staff who have offered support and their understanding that safe staffing will benefit patients and help retain and rebuild an exhausted St Vincent's Private nursing and midwifery workforce.



The 'Dear Doctor' letter is available via the QR code or anmfvic.asn.au/drletter

REPORT HARASSMENT, INTIMIDATION, UNPAID STAND DOWN OR PAY DOCKING

ANMF continues to support members who are intimidated or who lose pay as a result of participating in their protected industrial action campaign in support of safe staffing levels and improved patient care. ANMF has already paid members who have had their pay docked almost \$50,000 through the Victorian Nurses and Midwives hardship fund.

Members can use the following three forms to report issues to ANMF:



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, with payslip evidence, to be supported by your union via the QR code or anmfvic.asn.au/stvprivhardship

STAND-DOWN CASE IN FAIR WORK COMMISSION FOR HEARING

An early example of a forced stand-down where a member refused redeployment is listed for hearing next week in the Fair Work Commission. That case involves a member on night shift who was unilaterally stood down without notice from her shift at East Melbourne. Any decision in this case will have implications for all other members stood down for refusing redeployment over the last few months. We will advise members as soon as we have a decision in this matter.

INFORMATION FOR SENIOR NURSES AND MIDWIVES ABOUT PROTECTED INDUSTRIAL ACTION

It has been a challenging campaign and it is important to remember that protected industrial action is legal and always eventually comes to an end. ANMF's Information for senior nurses and midwives flier explains how to ensure working relationships remain intact and enable the parties to work together cooperatively after the campaign ends.



Read via anmfvic.asn.au/seniornm or scan this QR code.

CAMPAIGN RESOURCES



Campaign resources, including the Dear Doctor letter, Dear Patient letter, Nurses and Midwives Speak Out flier, Information for senior nurses and midwives and How to implement the social media work ban guidance via the QR code or at anmfvic.asn.au/stvprivresources.

KEEP TAKING PHOTOS AND VIDEO OF YOUR ACTION

Keep uploading your photos and short video of members wearing campaign t-shirts at work or reading your letter to the editor, or with your pledges and campaign signs so we can share these on ANMF's social media channels and in our publications. Refer to ANMF's Social media work-ban guidance on our campaign resources page.



Vertical photos and video are better 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.

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

Jodi Dowler, 0418 744224 (relieving for Mitch Hoover)

St Vincent's Private Hospital, East Melbourne

Mim Harrison, 0482 799 485 (relieving for Mitch Hoover)

St Vincent's Private Hospital, Kew

Narelle Hayes, 0484 150 002

St Vincent's Private Hospital, Werribee

Hailee Love, 0488 555 792 (relieving for Mitch Hoover)

WHICH INDUSTRIAL ACTIONS ARE PAUSED AND WHICH ACTION CONTINUES?

The following stage one protected industrial action continues:

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, visitors, 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.

The following stage 2 protected industrial actions are paused from 25 January to 8 February (inclusive), except

item 20 and item 26 which continue:

20. A refusal to undertake food services related duties such as the delivery of meals, snacks and/or beverages to patients. **[Note: this ban is excluded from the two-week pause and continues.]**
21. The closure of beds (per ward or unit) in the event that ward/unit rosters, including leave replacement, are not maintained and will involve the closure of a number of beds per ward or unit so as to maintain the number of nurses and/or midwives to patients/residents as would have been the case had the absence been replaced.
22. A ban on provision of nursing work for up to one in two surgery sessions or up to one in two surgical cases (that is, a refusal to work on those surgery sessions or in relation to those cases designated as cancelled by ANMF job representatives).
23. A ban or limitation on the assessment and admission of new patients to the hospital, including transfers from other health services.

Note 1: Exemptions will apply for cardiac, neurosurgery, oncology, maternity/obstetrics emergencies, paediatric, neonatal and palliative care patients or emergency patients where their condition is expected to deteriorate within 48 hours if they were to not be admitted for surgery.

24. 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 1 above) a refusal to admit to those beds.
25. 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 2 below) a refusal to admit to those beds.

Note 2: Exemptions will apply to cardiac, neurosurgery, oncology, maternity/obstetrics, paediatric, neonatal and palliative care 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.

26. A ban by any Nurse/Midwife in Charge of a ward or unit taking a patient load (whether they are the Nurses or Midwife Unit Manager or a nurse or midwife in charge in the out of hours of the NUM or MUM). **[Note: this ban is excluded from the two-week pause and continues.]**
27. 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 by the ANMF).

RESOLUTION

FRIDAY 24 JANUARY 2025

Resolution

This meeting of St Vincent's Private Health Australia (SVHA) ANMF members on Friday 24 January 2025, having heard the report of ANMF officers and job reps and in order to facilitate bargaining negotiations, resolves to:

1. Pause Stage 2 **bed closure action, 4-hour rolling stoppages and planned theatre stoppages only** for two weeks from 25 January to 8 February inclusive (but that we continue with all Stage 1 protected industrial action (including the ban on redeployment and admin bans) and other Stage 2 protected industrial action (such as in-charge refusing to work with a patient load)

in recognition of SVHA agreeing to:

2. A. Meet at least twice-weekly meetings of up to four hours each (on days to be agreed with additional meetings as needed), such meetings to include relevant ANMF job reps where specific issues are discussed about their clinical areas; and
- B. A public announcement to staff by the Victorian CEO, to the effect that SVHA acknowledges and welcomes that:
 - ANMF members have agreed to pause some key protected industrial action (rolling stoppages, theatre cancellations and bed closure action) for two weeks in order to facilitate more effective and intense bargaining to try and resolve the main outstanding matters, which are:
 - staffing and workload issues raised by staff and the ANMF and especially in relation to maternity/birth suites/ante-natal, neuroscience Fitzroy, paediatrics EM, Kew night shift, in-charge with patient load (which affects in particular the night shift workload) and standards for theatres/recovery/ICU. Members remain adamant that any improvements must be comprehensive and reflected in a meaningful and enforceable way through the EBA.
 - the additional (6th) week of annual leave for part-time nurses and midwives. SVHA must consider how this improvement can be implemented within the life of the agreement.
 - Wages and allowances. The reduction in the original wages offer by 0.5% has been a contentious issue and must actively reconsidered. In addition, SVHA must acknowledge that allowances (especially on-call and night duty) need to be competitive with the public sector across the life of the agreement.

RESOLUTION

3. ANMF make it clear that if we fail in the pause period to reach a satisfactory resolution (or sufficient progress towards a resolution) that all PIA, including rolling stoppages, theatres cancellations and bed closure action will be recommenced in the week of 10 February.
4. A further all-member meeting will be held via Teams on Friday 7 February at 2.30pm to report on progress in bargaining and to decide on the status of industrial action, including whether there is a need to resume paused industrial action.