

## Campaign update #23 public sector mental health enterprise agreement

14 JUNE 2016

## Day 6 of stage 2 protected industrial action

### 1. Status of negotiations

Negotiations continued on Thursday 9 June between ANMF, HACSU, VHIA and DHHS.

The involvement of Former Fair Work Commission deputy president Greg Smith has been very positive assisting the parties with productive negotiations with the employers. Mr Smith is also playing an important role facilitating discussions between ANMF and HACSU about matters arising from the general public sector nurses agreement.

There has been some progress towards finalising new clauses, but there has been no development on the important issues of wages, ratios and community workload management.

ANMF is becoming increasingly concerned about the back payment of wages given the general nurses' outcome was over a month ago and we are seeking the same implementation date for new wages – 1 April 2016. Members implemented stage 2 of industrial action on Thursday 9 June to heighten the employers' and government's awareness of the need to resolve this agreement sooner rather than later.

This agreement will only be resolved with intensive negotiations. Negotiations are scheduled for tomorrow, Wednesday 15 June and Thursday 16 June. ANMF remains available seven days a week to sit down and reach an agreement we can recommend to members.

### 2. Stage 2 of industrial action advice for members, particularly first timers

ANMF is supporting members who are implementing stage 2 industrial action at the 12 eligible area mental health services. See the list on page 3. Mental health nurses are not taking protected industrial action lightly, but it is essential the employers and the government understand you are serious about your claims for ratios in inpatient services, better community workload management and fair pay. If you require ANMF assistance please contact your ANMF Organiser.

ANMF is aware of some instances where members are feeling pressured to not wear the red #ValueRecogniseReward campaign T-shirt or participate in the other lawful bans. It is important that members, particularly younger members participating in a campaign for the first time, understand the Fair Work Act 2009 allows for 'protected industrial action'. This means it is legal for nurses to take industrial action provided all of the requirements of that Act are met. This is the case for the 12 Area Mental Health Services listed on page 3.



**VALUE > RECOGNISE > REWARD**  
**Our Victorian mental health nurses**

Mental health nurses at Mercy Mental Health Wyndham Clinic and Latrobe Regional Hospital Community Care Unit are not taking the stage 2 protected industrial action lightly.

[Continued on page 2](#)

## Campaign update #23 public sector mental health enterprise agreement

CONTINUED

Protected industrial action is legal and severe legal consequences can follow if a manager is found to have coerced an employee not to take part, or to breach a ban (asking you not to wear a campaign T-shirt or asking you to complete non-clinical data collection). This is called adverse action and under the Fair Work Act the individual manager and the employer can both be fined.

ANMF members who are participating in action covered by the protected industrial action bans are entitled to refuse to do that task or tasks, and it would almost certainly be unlawful for management to take action against them. Managers may be breaching the Fair Work Act if they counsel, discipline or report a nurse for taking protected action, or threaten to do those things.

Managers, who can feel like the 'meat in the sandwich', should also be aware they have the same legal rights as the employees they manage. Often managers feel obliged, or are even directed, to oppose the industrial action and ensure as far as possible that the activities of the ward continue. This can then result in conflict with staff on one hand and management on the other. Managers have a right at any time to refuse an unlawful directive, including one that relates to them or the staff taking lawful industrial action.

### 3. Sign the petition

The mental health nurses' petition has kicked off well but it needs more signatures if employers are going to take notice.

Make sure you sign it and use the sharing buttons to encourage your friends and family to support this important petition.

<https://www.megaphone.org.au/petitions/introduce-nursing-ratios-for-victoria-s-mental-health-nurses>

### 4. Further protected industrial action commenced from 7am Thursday 9 June

The further protected industrial action is as follows:

a refusal to undertake any work outside the ordinary starting and finishing times of work

a refusal to be redeployed from one area to another area

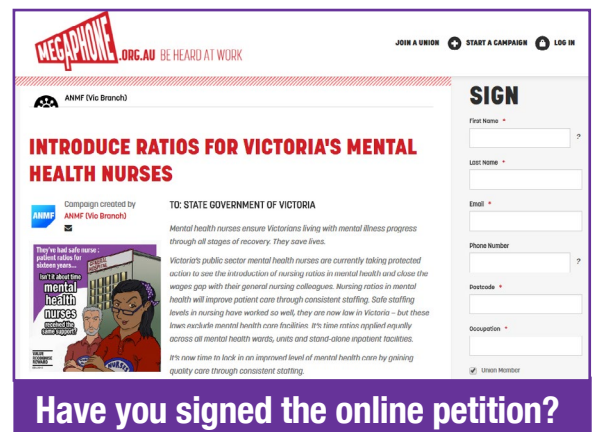
delaying or restricting the performance of normal duties by explaining to clients and other visitors during working hours the purpose of the campaign materials being worn by nurses, including T-shirts, badges and campaign posters

delaying or restricting the performance of normal duties by displaying and distributing campaign related information in the workplace and speaking to the media as required during working hours

a refusal to collect, record, complete or document non-clinical/administrative information or any mandatory data required by the employer, e.g. outcome measures, vehicle log books, statistical data, RCS ACFI documentation, contact sheets and RAPID statistics, PR 2s and 5s, Daily Returns/Bed Movements, but excluding any reporting directly related to patient, client or staff safety

industrial action in the form of a refusal to attend or participate in any meeting or service activity that is not fully back filled

a refusal to implement any workplace or system change proposed by management.



The screenshot shows the Megaphone website interface for an online petition. At the top, it says 'MEGAPHONE.ORG.AU BE HEARD AT WORK'. Below that, it identifies the campaign as 'ANMF (Vic Branch)' and the target as 'TO: STATE GOVERNMENT OF VICTORIA'. The petition title is 'INTRODUCE RATIOS FOR VICTORIA'S MENTAL HEALTH NURSES'. The text of the petition is visible, discussing the need for consistent staffing in mental health care. On the right side, there is a 'SIGN' form with fields for First Name, Last Name, Email, Phone Number, Postcode, and Occupation. At the bottom of the page, a purple banner asks 'Have you signed the online petition?'.

Continued on page 3

## Campaign update #23 public sector mental health enterprise agreement

CONTINUED

### 5. Workplaces where protected industrial action CAN commence from 7.00am Thursday 9 June 2016:

**Albury Wodonga Health**North East Border Mental Health Services  
All areas where mental health nurses are employed**Ballarat Health Services**

All areas where mental health nurses are employed

**Barwon Health**

All areas where mental health nurses are employed

**Eastern Health**

All areas where mental health nurses are employed

**Goulburn Valley Health**

All areas where mental health nurses are employed

**Latrobe Regional Health**

All areas where mental health nurses are employed

**Melbourne Health**

North Western Mental Health

All areas where mental health nurses are employed

**Mercy Public Health**

All areas where mental health nurses are employed

**Mildura Base Hospital**

Mental Health Services

All areas where mental health nurses are employed

**Royal Children's Hospital**

Banksia Unit

All areas where mental health nurses are employed

**St Vincent's Hospital**

All areas where mental health nurses are employed

**Inner South Community Mental Health**

All areas where mental health nurses are employed

### 6. Workplaces where protected industrial action CANNOT commence from Thursday 9 June 2016:

The following workplaces cannot lawfully commence protected industrial action as less than 50% of the nurses eligible to participate in the protected action ballot returned valid ballots to the Australian Electoral Commission. These workplaces are:

- Alfred Health
- Austin Health
- Bendigo Health
- Monash Health
- Peninsula Health
- Southwest Healthcare
- Forensicare

### 7. Raise the volume

We need intelligent and articulate mental health nurses who can speak with authority on camera about the important work you undertake every day. If you are interested in being part of a series of online videos for the mental health campaign and the fight for ratios, please get in touch. Media training is provided, and the ANMF will ensure you are protected for advocating for your profession. If you're interested, please drop us an email with your full name, role and some suitable times for us to follow up over the phone. Email us at [media@anmfvic.asn.au](mailto:media@anmfvic.asn.au)



### 8. Spread the red – get involved to ensure our communities can access mental health nurses

Update your social media profile pic and share our posts and your pics. Participating Area Mental Health Services (wards, units and community teams) have been awash with red since Thursday 19 May sending a strong message to employers that fair pay and safe workloads are critical issues for mental health nurses.

ANMF encourages members, including those employed at facilities unable to take protected industrial action, to get active on social media.

Visit the ANMF Facebook page at [www.facebook.com/RespectOurWork](http://www.facebook.com/RespectOurWork) and look through our album of campaign profile and banner images you can use on your Facebook and Twitter accounts. Share your red T-shirt imagery online using the hashtags **#ValueRecogniseReward**, **#MHRatios**, **#RewardMHNurses** for Twitter and Instagram. You can also post your photos to the ANMF Facebook page, or tag us on Twitter **@ANMFVicBranch**

If you are not seeing ANMF's Facebook posts, change your settings to 'see first' and please share ANMF posts about the action and the issues that are important to you.

Continued on page 4

## Campaign update #23 public sector mental health enterprise agreement

CONTINUED

### 9. Campaign T-shirts and information

Red #ValueRecogniseReward campaign T-shirts are available for members at ANMF House (540 Elizabeth Street, Melbourne) between 8.45am and 5pm on weekdays or online at <http://anfvic.myshopify.com>

Campaign posters and a 'Dear patient/client' campaign letter are available to download from the EBA 2016 campaign page <http://anmfvic.asn.au/eba2016#mh>

'Demand nursing ratios in mental health' campaign stickers are available through your Job Representative/Organiser.

### Remember that our strength is our membership

Most Victorian nurses and midwives are already ANMF members – if you haven't joined yet or you know someone who hasn't, please encourage them to join. Non-members can join online here: <https://members.anmfvic.asn.au/CalculateRate>

If you don't have a Job Rep on your ward, unit or community team, it's time to put up your hand and help your union and your colleagues achieve your claims for 2016. Speak to another ANMF Job Rep or call ANMF Reception on (03) 9275 9333 and a Job Rep Pack will be sent out to you. ANMF will keep you updated via further campaign updates, our website, emails and text messages where appropriate. Please ensure you update your details, including a personal email address, at the Member Portal: <https://members.anmfvic.asn.au>