



ORDER

Fair Work Act 2009

s.437 - Application for a protected action ballot order

Health Services Union

v

South West Healthcare

(B2020/494)

DEPUTY PRESIDENT GOSTENCNIK

MELBOURNE, 2 SEPTEMBER 2020

Proposed protected action ballot of employees of South West Healthcare.

Pursuant to s.443 of the *Fair Work Act 2009* (the Act) the Fair Work Commission orders:

1. PROTECTED ACTION BALLOT TO BE HELD

The Health Services Union is to hold a protected action ballot of employees of South West Healthcare described in clause 3 of this order.

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot is to be conducted by the Australian Electoral Commission.

3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTTED

In accordance with s.437(5) of the Act, the employees to be balloted are those employees of South West Healthcare who will be covered by the proposed enterprise agreement, are currently covered by the *Victorian Public Mental Health Services Enterprise Agreement 2016-2020* and are eligible to be represented by the bargaining representative who is the applicant for this protected action ballot order.

4. DATE BY WHICH BALLOT CLOSES

The date by which voting in the protected action ballot is to close is no later than 35 working days from the date of this order.

5. QUESTIONS

The question(s) to be put to voters in the ballot are:

In support of reaching a new enterprise agreement with your employer, do you authorise protected industrial action/s to be organised or engaged in whether separately, concurrently and/or consecutively in the form of:

FORMS OF PROPOSED INDUSTRIAL ACTION TO BE ENGAGED IN SEPARATELY OR CONCURRENTLY

1. *Participate in stop work bans for a period from 15 minutes and up to 24 hours, save where such action would endanger the life, the personal safety or health, or the welfare, of workers and/or participants receiving mental health services, including as a result of the pandemic and providing HACSU give the employer 7 days' notice?*
Yes [] No []
2. *Participate in bans on collection, recording or documenting, either physically or electronically, non-clinical/administrative information, including: collection of statistics, contact records, daily returns PR1, PR2, PR5 MH3, HONOS, Aged Care funding [RCI] instrument, RAPID statistics, vehicle log books save where such action would impact upon the capacity of the Health Service to record clinical information and share health information regarding contact tracing?*
Yes [] No []
3. *Stop asking people upon admission if they have private health insurance and processing such claims?*
Yes [] No []
4. *Refuse to participate in all employer initiated workplace change or restructures except where such changes are reasonably necessary to ensure the safe delivery of care during the pandemic?*
Yes [] No []
5. *Refuse to transfer to another team, unit or role if requested by your employer except where such transfers are reasonably necessary to ensure the safe delivery of care during the pandemic?*
Yes [] No []
6. *Refuse to undertake any work outside the ordinary starting and finishing times of work?*
Yes [] No []
7. *Refuse to undertake any work on unpaid break times?*
Yes [] No []
8. *Include an EBA campaign message in your signature when sending emails?*
Yes [] No []
9. *Include an EBA campaign message as a name or background in video conference meetings?*
Yes [] No []
10. *Speaking to, and making statements to the media including during working hours as required?*
Yes [] No []

11. *Speaking to clients, families and the community about the purpose of campaign material during working hours save where such action involves clients who are children?*
Yes [] No []
12. *Wear your campaign t-shirt during working hours having regard to safety?*
Yes [] No []
13. *Displaying posters, slogans, colours in the workplace, and in vehicles containing campaign information?*
Yes [] No []
14. *Refuse to attend all meetings that are not fully backfilled and/or on meeting management without a union representative?*
Yes [] No []
15. *Refuse to escort patients unless there are two staff present (except in cases of emergency and dependent on the level of risk)?*
Yes [] No []
16. *Refusal to complete any non-clinical duties e.g. handling bed linen, filing, car servicing?*
Yes [] No []
17. *Refuse to implement non-smoking policy in inpatient units (by not challenging consumers) except inside units?*
Yes [] No []
18. *Refuse to participate in any activities associated with working towards accreditation to the National Safety and Quality Health Service Standards?*
Yes [] No []
19. *Refuse to act outside your scope of employment except as an immediate result of the pandemic?*
Yes [] No []
20. *Refuse to attend CATT visits unless there are a minimum of 2 staff (dependent on level of risk, which will be assessed by the clinicians on duty), providing HACSU give the employer 7 days' notice?*
Yes [] No []
21. *Ban on reasonable unplanned discharges with less than 4 hours' notice except where such action creates a risk to the safe delivery of care during the pandemic?*
Yes [] No []
22. *Ban on reasonable admissions within 1 hour of shift start or finish except where such action creates a risk to the safe delivery of care during the pandemic?*
Yes [] No []
23. *Attend site rallies, BBQ's, campaign stalls inside health service / facility buildings and properties?*
Yes [] No []

24. Refusal to accept secondary community caseloads?

Yes [] No []

25. Participate in a social media hashtag campaign about valuing Mental Health work?

Yes [] No []



DEPUTY PRESIDENT

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