



Nurses • Midwives • Mental Health Nurses
Respect our work.

Public Sector EBA Update No 12 - 17 November 2011

Victorian Public Sector Nurses and Midwives

17 November 2011 – 10.30 am

This update provides some guidance for members who are implementing industrial action

From 9.00 am on 17 November 2011, the industrial action is deemed to be unprotected.

This means that an employer may elect to dock wages for the period of the unprotected industrial action. Employers must deduct four hours pay as a minimum and may elect to withhold wages for the entire period of the unprotected industrial action. This applies to unprotected industrial action of any kind.

Importantly, employers must have evidence that you are engaging in unprotected industrial action and they will need to document that action.

Most employers will adopt the tactics that were undertaken in 2007. This most likely means that managers will present to your work area and read a prepared script along the lines of:

Employer **“FWA has suspended your right to take unprotected industrial action. Any industrial action you take after 9.00 am on 17 November 2011 is not protected industrial action. You are directed to work and to perform all of your usual duties. If you refuse to do so, this will constitute a failure to comply with our lawful and reasonable direction. As your employer, we are prohibited by law from paying you in relation to periods of unprotected industrial action.”**

We recommend that you respond as follows:

Employee **“I believe that our industrial action is in the interests of our patients, our profession and our community. I will remain at work and continue to provide care for my patients. Industrial action will only be lifted when an acceptable agreement is approved by a Statewide meeting of ANF members.”**

ANF advises members in all circumstances to remain at work providing patient care irrespective of the threat to dock wages or any direction from your employer to leave the premises.

In the event that you are directed to leave the premises, you should remain at work and immediately contact your Organiser and the ANF on 9275 9333.

A form to report pay being docked and/or harassment and intimidation of members is available in the 2011 EBA Industrial Action Kit and also on the ANF website at www.anfvic.asn.au

