



Reference: 2022/2499

The General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne VIC 3000
Email: melbourne@fwc.gov.au

Sarah HATHWAY
Health Services Union
sarah.hathway@vahpa.asn.au

Stephen CORNELISSON
Mercy Hospitals Victoria Ltd
lauren.thomas@mercy.com.au

Declaration of results - PAB Order: B2022/127

Pursuant to the Protected Action Ballot Order B2022/127 issued by the Fair Work Commission, the AEC has conducted the protected action ballot and the declaration of the result is provided below.

| Preliminary scrutiny | |
|--|-------|
| Number of employees on the Roll of Voters (Voters) | 40 |
| Postal votes returned by voters | 19 |
| Postal votes rejected at the preliminary scrutiny | 0 |
| Postal votes admitted to further scrutiny | 19 |
| Percentage of postal votes returned* | 47.50 |

*This is the number of postal votes admitted to further scrutiny as a percentage of the number of employees on the Roll of Voters (the number of voters who voted).

The further scrutiny has been conducted. The table below provides the results for each question.

Do you, for the purpose of advancing Victorian Allied Health Professionals Association (VAHPA) claims in the negotiation of an enterprise agreement with your Employer, authorise the following forms of industrial action:

| | Question | Yes | No | Informal |
|---|---|-----|----|----------|
| 1 | During an indefinite period or specified periods, implementing a ban on 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, in the nature of: -outcome measures; -vehicle log books; | 18 | 1 | 0 |

- invoicing;
- data required for the purpose of billing;
- statistical data;
- taking bookings;
- processing files;
- contact sheets;
- performance data on employees; and
- staff industrial activity reports

| | | | | |
|---|---|----|---|---|
| 2 | During an indefinite period or specified periods, commencing and finishing duty at the rostered or contracted times?* | 19 | 0 | 0 |
| 3 | During an indefinite period or specified periods, taking the full period of all breaks including meal intervals and rest/tea breaks? | 19 | 0 | 0 |
| 4 | During an indefinite period or specified periods, interrupting or stopping work periodically to implement a ban on the employer's uniform policy or dress code, including but not limited to putting on VAHPA campaign t-shirts, high visibility vests, buffs, badges, stickers, lanyards and props? | 19 | 0 | 0 |
| 5 | During an indefinite period or specified periods, interrupting or stopping work periodically to display or use VAHPA campaign materials, including but not limited to petitions, flyers, posters, stickers, postcards, balloons and props? | 19 | 0 | 0 |
| 6 | During an indefinite period or specified periods, interrupting or stopping work periodically to distribute VAHPA campaign materials, including but not limited to petitions, flyers, posters, stickers, postcards, balloons and props, either via email or by providing them in person, to media, staff, patients, visitors, and/or members of the public, except that such action: will not use patient information for a purpose other than the purpose for which it was collected; will not give to any other person, whether directly or indirectly, any information acquired by reason of being an employee if a person who is or has been a patient in, or has received health services from, a relevant health service could be identified from that information; and shall, at all times, comply with the confidentiality requirements of section 141 of the Health Services Act 1988 (Cth)? | 19 | 0 | 0 |
| 7 | During an indefinite period or specified periods, delaying or restricting the performance of normal duties through industrial action in the form of using toys and props, including but not limited to inflatable, plastic and/or rubber-like animals/creatures/skeletons, in the workplace for the purpose of engaging with the | 18 | 1 | 0 |

media, staff, patients, their families and visitors, about the proposed enterprise agreement, the VAHPA campaign, VAHPA, industrial action and/or VAHPA's case?

| | | | | |
|----|--|----|---|---|
| 8 | During an indefinite period or specified periods, not attending meetings, including but not limited to team meetings, that are not directly related to patient care, excluding meetings solely dedicated to the safe delivery of care during the COVID-19 pandemic? | 19 | 0 | 0 |
| 9 | During an indefinite period or specified periods, delaying or restricting the performance of normal duties through placing a statement on emails and/or out of office replies about the VAHPA campaign, industrial action and/or the VAHPA's case? | 18 | 1 | 0 |
| 10 | During an indefinite period or specified periods, not supervising, teaching and/or training students, excluding employees who are clinical educators Grade/Level/Class 3 or above whose role is predominantly in the education area of expertise? | 18 | 1 | 0 |
| 11 | Industrial action in the form of unlimited number of stoppages of work, including but not limited to consecutive stoppages of work, of between five (5) minutes and twenty-four (24) hours in duration including but not limited to stoppages to travel to and from stop work meetings, subject to VAHPA providing the employer with seven (7) calendar days' notice?* | 18 | 1 | 0 |
| 12 | Interrupting or stopping work periodically, over an indefinite period or for specified periods, to attend public events in support of the proposed enterprise agreement and/or the VAHPA campaign, including but not limited to morning tea events, afternoon tea events and lunch time rallies? | 18 | 1 | 0 |

I declare that:

- The requisite number of voters (at least 50%) voting in the protected action ballot was not achieved.
- The majority of voters who cast a valid vote were in favour of the action set out in question(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.
- The majority of voters who cast a valid vote were against the action set out in question(s) N/A.

Jenna Hales
 Returning Officer
 Delegate of the Ballot Agent
 Australian Electoral Commission

07/04/2022

Email: PAEvents@aec.gov.au phone: 02 9375 6366 or 03 9285 7111

www.aec.gov.au