

HammondCare SDC Breaks Update

Dear Member,

With your support the HSU has written to your employer on 23 April to address concerns raised about the new roster and the inability to take breaks (see newsletters [142](#) and [175](#)). We can now advise that we have received a response from HammondCare human resources. Please see a summary of the response below, with quotes from HR in italics.

- On 13 March the union and employees meet with HR in relation to the proposed roster changes. During this meeting, HR stated that the roster change was generated from feedback collected in the 'Voice Survey'. In their email dated 29 April 2018, they denied that this was the case and instead stated that there were only 1 or 2 staff members who expressed that they would prefer different shifts. Further to this, they allege that staff spoke to the local manager prior to the meeting and the overwhelming majority were happy with the current roster.
"Changes to the roster are not as a result of the Voice Survey, they are from individual employees who approached [manager] over a period of months, about routine and preferring the consistency of working in the one cottage instead of moving around. This is how the other residential facilities are organised."
- HR has denied our assertion that staff are unable to take their allocated 30-minute lunch breaks, stating:
"Staff in the cottages have been taking their breaks outside the cottages, they also know that there are 3-4 employees available to support the cottage if required. The staff have been reporting to [manager] that this is working for them. SDCs who are on duty in the cottage are not designated to go grocery shopping at the same time."
- It was confirmed that the new roster is a 3-month trial that commenced 9 April 2018 with another meeting to be scheduled at the conclusion of the trial.
- During the meeting on 13 March, HR claimed that they were 'shocked' by employees stating that they weren't able to take their full allocated 30-minute tea breaks. In our letter, the Union reminded them that their response at the time was that the issue would be addressed immediately. Their answer to this follows:
"I was surprised when employees stated that they are "not allowed" to leave the cottage during meal breaks, because I knew it could not be correct. Having investigated the situation, I was right, employees willingly told us that they have never been told to stay in the cottage, they started doing it because it was more convenient. Just like having their cigarette breaks several times a day out in the cottage garden."
- Regarding the new roster and the issue of employees being able to take their 30-minute lunch breaks, HR has responded as follows:
"This is approximately 2.4 days into a new roster, at which time staff would not have had many new shifts. The staff have plenty of opportunity to give their feedback to the manager or myself. To date the voluntary feedback to the manager is that they

have been taking their lunch breaks outside the cottage. I am unsure how many staff visited you in the Pines facility, but I do know it wasn't very many. I have been informed that you called staff who are members, which you are entitled to do, however, it was reported that they felt intimidated by your phone call and line of questioning. This is not the only facility where we have had feedback of this nature. If we have any further feedback from our employees about this, we may have to run an investigation."

- The issue of Meadows employees being left on their own as a result of HammondCare refusing to backfill – in most cases, to avoid paying overtime with workers being forced to accept time in lieu – was also raised. At this time, they have not denied that this is occurring and have requested specific examples to investigate further. If you are an affected member, please contact your Organiser to discuss.
- While HR have confirmed in their response that Pines staff are left on their own during bus trips, they have not provided a solution to members' concerns other than reiterate the current practice that requires the SDC to seek assistance from other staff that may or may not be available.
- In our correspondence, we argued the following: **"We do not accept that staff have chosen to eat their meals with residents because they wanted to stay in the cottage. It is our view and our members' view that in order to ensure the health and wellbeing of the residents at HammondCare, they must remain in the cottage and be on call during their lunch breaks. Therefore, by the lack of staffing and effective rostering by HammondCare, it had unreasonably refused to allow employees to take their breaks in accordance with clause 16 of the Agreement"**. HammondCare has responded as follows:
"We refute your 'views' as the response provided to staff addresses the issues raised in the said meeting. We have specific feedback from our employees, of which only a portion are union members, which supports these statements."
- The HSU has requested during the period of change to develop a consultation committee for the benefit of the staff and communication. This request has been unreasonably denied. HammondCare wrote:
"We do not support your suggestion to form a consultation committee with staff - the HSU does not represent all of our staff. Staff are informed that they can approach their manager at any time to raise issues and/or discuss work related details and many staff do make use of their access to the manager and other members of management. They also have access to contact details for reaching out to support outside the cottage, including people services. Staff also have regular meetings with management, such as the March meeting, to raise issues and discuss other processes and procedures. As far as I am aware, staff make good use of these channels. When our employees are rostered on during the AM shift they have 1x10 minute break and 1x30 minute (35 minutes at Pines) lunch break. At all other times they are required to be in the cottages, which does not allow time for meetings".

HR have agreed to another meeting to discuss the issues raised. We will require member representatives for this meeting. If you are interested in attending this meeting, please contact your Organiser to discuss.

- HR also wrote in their response the following passage:

“As mentioned further above, all of our employees have the right not to be part of a union. However, a number of staff reported feeling under pressure to join the HSU or felt intimidated to have an opinion that was not theirs. If we receive further feedback with regards to intimidation and bullying tactics by the HSU, we also reserve the right to investigate further into the practices of the HSU when communicating with our employees.”

We want to take this opportunity to congratulate our members for standing up for their rights. HammondCare have clearly demonstrated from their response and actions that employees' wellbeing and safety is not a priority. You are currently being put at risk as well as working unpaid. While this issue is being addressed, it can create understandably create negativity in the workplace – this is to be expected, given that this incorrect practice has been continuing for so long. Please do not be deterred. You have a legal right to raise concerns about your rights. The HSU continues to pursue this issue for our members, with support from our members. It is interesting to note that the only reports of intimidation that we have received are from HammondCare management.

Finally, our Industrial Representative Syvannah Harper has sent an email to all members who have expressed interested in being represented in this matter. Please check your emails for her contact details to organise a time to discuss. If you have not been contacted and you wish to be represented by your union, please contact your Organiser. Your details may be incorrect or need to be updated.

If you know someone that is not currently a member, encourage them to join. You can join online at www.hsu.asn.au/join, or by calling 1300 HSU NSW. Together we are stronger.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes', with a long, sweeping underline.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD