

NNSWLHD Nauseous Linen Dispute

Dear Member,

How do you define nauseous linen? Normally, by a combination of common sense and what is in the Award.

It was then with great surprise on Monday 30 September that the HSU received a letter from Northern NSW Local Health District (attached), informing us it had decided to ignore this and place conditions outside of the award for anyone wishing to claim the nauseous linen allowances.

The HSU has disputed this draft fact sheet and asked that it is withdrawn.

In response to the HSU requesting its withdrawal, the LHD has doubled down with a letter on 4 October (attached) and is now threatening to ask you to pay back the allowance that you have been previously paid – all because your union is making sure you get paid the allowance that you deserve.

If the LHD continues with this disregard of the Award and veiled threats, it's clear we will need to be in discussion with your Sub Branch on what our next steps will be.

If you have any queries or concerns about allowances, please contact the HSU Member Services Division on 1300 478 679 or memberservices@hsu.asn.au.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD

30 September 2019

Peter Kelly
Organiser
Health Services Union

By email: Peter.Kelly@hsu.asn.au

Dear Mr Kelly

Re: Payment of Nauseous Linen Allowance

We refer to the above matter and note your email 30 September 2019.

As discussed at the DJCC, Northern NSW Local Health District (NNSWLHD) is conducting a review of the payment of allowances across the district to ensure employees receive payment in accordance with the relevant industrial awards.

An initial review indicates Kyogle MPS employees have been paid nauseous linen allowance when they have not been eligible for it. From September 2019 we have corrected the roster to ensure employees are not overpaid. To ensure employees receive the allowance in appropriate cases they have been asked to document when they believe they are eligible for the allowance for management review.

We attach a internal draft fact sheet which clarifies when nauseous linen allowance applies. The approach of NNSWLHD reflects arrangements discussed with the Health Services Union elsewhere in the Health Service.

We trust this addresses your concerns – however we are happy to arrange a teleconference to further discuss if appropriate. If you wish to do so, please don't hesitate to contact us at nswlhd-industrial@health.nsw.gov.au.

Yours faithfully,



Richard Buss
Workforce Director

cc: David Holmes, Human Resources Manager
Nancy Martin, EO/DON MPS Network

DRAFT

Payment of Nauseous Linen Allowance

Clause 12 'Special Working Conditions Sub Clause (iii) of the Health Employees Conditions of Employment (State) Award 2019 (the Award) states that employees shall be paid an allowance for each shift or part thereof during which they are *engaged in handling linen of a nauseous nature other than linen sealed in bags.*

The allowance must not be part of the published roster and should be entered only after approval by the roster manager after receipt of appropriate application and evidence.

When determining eligibility for payment of the allowance the following key points must be considered:

- The allowance is payable only to employees who do not normally, in the course of their work, come into contact with linen of a nauseous nature.
- As a consequence, it is not anticipated that the allowance would be accrued on every shift worked. The allowance should apply by exception.
- Linen recovered from receptacles is not handled and therefore not eligible for the allowance.
- Nauseous connotes 'disgusting or offensive' to the point of inducing sickness.
- 'Nauseous' does not relate to every day wastes or minor contamination. The linen must be unusually dirty or offensive having regard to the duty normally performed by employees in their

classification.

- Payment of the allowance is generally only applicable when approved by the roster manager.
- The onus rests with the employee to provide specific details that, on each occasion claimed, they dealt with linen that was nauseous.

Examples

Examples of nauseous linen include:

- Heavily blood saturated linen.
- Linen with significant fresh faeces.
- Linen with significant vomitus material.
- Linen with body matter from surgical procedures.

Examples of items not eligible for the allowance include:

- Bagged linen generally.
- Urine soaked linen or continence pads.
- Dirty and wet linen.
- Linen affected by small amounts of blood or faeces.

Examples of specific roles:

- Health and Security Assistants, Wards People and Cleaners collecting linen in residential aged care settings will not be eligible for the allowance in respect of the collection of urine soaked linen affected by faeces. However, the allowance will apply where the linen contains vomitus material.

4 October 2019

Mr Edmund Fry
Industrial Officer
Health Services Union
E: Edmund.Fry@hsu.asn.au

Att: Mr Peter Kelly - Peter.Kelly@hsu.asn.au

Dear Mr Fry

Re: Payment of Nauseous Linen Allowance - HSU Dispute

I refer to the above matter and note further to our discussion with Peter Kelly on the 30 September 2019, local management and Human Resources met with staff at Kyogle MPS to discuss and clarify the payment of this allowance moving forward. Staff were made aware of the circumstances for claiming and payment of the allowance. The meeting with staff provided a level of clarity for all involved.

Northern NSW Local Health District (NNSWLHD) considers this matter to be resolved as this has been clarified at a local level with the staff.

We note at this stage the District has not formed a view of what, if any, overpayment may be applicable.

NNSWLHD are willing to arrange a teleconference to further discuss if appropriate. If you wish to do so, please don't hesitate to contact me at nswlhd-industrial@health.nsw.gov.au.

If no further communication is received from you **by close of business Friday 11 October 2019**, the matter will be considered as resolved.

Yours sincerely



Richard Buss
Workforce Director

cc: David Holmes, Human Resources Manager
Nancy Martin, EO/DON MPS Network