

## Calvary John James EBA Update

Dear Member,

The Health Services Union (HSU) was notified by Calvary John James in August 2019 of their intention to initiate the bargaining process for the proposed *Calvary John James Hospital Health Professionals and Support Services Enterprise Agreement 2019*. As members would be aware, the HSU met with Calvary on 21 October 2019 to progress these negotiations, and it was at this meeting that the HSU provided Calvary with our log of claims.

On 5 December 2019, Calvary and the HSU had a brief teleconference during which the HSU was informed that Calvary was not interested in bargaining, and that they would not discuss the proposed Agreement with the HSU. The only thing, Calvary advised, that was going to be offered was a 3.1% increase per year over the life of the Agreement. The HSU requested a copy of the proposed draft Agreement. Calvary has refused to provide a copy of this document so far. The HSU again requested a copy of the proposed draft Agreement on 6 January 2020. Calvary did not respond.

On 15 January 2020, the HSU requested a further meeting to discuss the proposed Agreement, as we are aware that HSU members would like to bargain and progress discussions for a new Agreement. To date, Calvary has failed to respond to the HSU's request to meet.

Because of the failure of Calvary to respond to the HSU, or reach out in way, the HSU sent a letter to Calvary pursuant to s 229(4) of the *Fair Work Act 2009* (Cth) (the Act). Section 229 of the Act requires that any party engaged in negotiations must put the other party on notice if it is believed that that party is not bargaining in good faith under the Act.

The HSU stated in the correspondence sent to Calvary that we believed Calvary's conduct to be manifestly in bad faith, as a result of Calvary's refusal to respond to the HSU or engage in the bargaining process in any way, shape or form. We have therefore requested that Calvary provide the HSU with a draft copy of the proposed Agreement as promised on 5 December 2019, advise the HSU as to whether Calvary intends to continue bargaining with the HSU and, finally, to propose a meeting date for the parties to progress negotiations in good faith.

Should Calvary either not respond, or refuse to bargain with the HSU, it is the intention of the HSU to take Calvary to the Fair Work Commission under the provisions in the Act which relate to good faith bargaining. Calvary is obligated under the Act to bargain with the HSU, and HSU members should not be in limbo regarding their Agreement nor should a pay increase be withheld simply because Calvary has decided that it no longer wants to engage in negotiations.

The HSU will continue to push to meet with Calvary so that HSU members are afforded the opportunity to have their say in relation to the proposed Agreement. HSU members

deserve a pay increase – the only reason that HSU members have not received a pay increase is because Calvary refuses to engage with the HSU.

If the HSU needs to take the fight to the Fair Work Commission in support of the right of HSU members to bargain for a new Agreement, we will lodge an application accordingly. The HSU will not accept any further delays to the negotiations, as HSU members deserves a fair go and a pay rise.

If you have any questions regarding the above or would like to get in touch with the Union regarding your conditions at work, please call 1300 478 679, or send an email to [privatehealth@hsu.asn.au](mailto:privatehealth@hsu.asn.au).

If you know someone who is not yet a member of the HSU, encourage them to join and have a say. New members can join at [www.hsu.asn.au/join](http://www.hsu.asn.au/join) or by calling the Union on 1300 478 679. We are stronger together.

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