



PROTECTED INDUSTRIAL ACTION GUIDELINE FOR EMPLOYEES – HASMA ENTERPRISE AGREEMENT 2025

The Royal Children's Hospital (RCH) has received notice in accordance with the *Fair Work Act 2009* that HWU members covered by the *Health and Allied Services, Managers and Administrative Workers (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2021-2025* will be participating in work stoppages.

RCH recognises the right of HWU members to participate in protected industrial action and seeks to support participation wherever possible. This guideline has been developed by RCH Workplace Relations team to answer some frequently asked questions ahead of the upcoming work stoppage period.

When will the work stoppages occur?

The dates and times for the work stoppages are outlined below. HWU members are restricted to a maximum eight (8) hour work stoppage.

Date	Day	Stoppage Times
4 December	Thursday	0600 to midnight
5 December	Friday	Midnight to 0800

What if I am a HWU member rostered for a ten (10) hour shift, does that mean I am required to work for two (2) hours?

Yes. The protected industrial action is for a maximum of eight (8) hours. Where HWU members participate in a work stoppage of longer than eight (8) hours, it will be unprotected industrial action.

We suggest if you are rostered for a ten (10) hour shift but will be participating in the work stoppage for eight (8) hours, you might seek agreement from your manager to take the remaining two (2) hours as approved leave. However, if your manager does not agree to this you will be required to work.

Do I need to tell my manager if I am participating in a work stoppage?

Managers will be asking employees to confirm whether they will be working their rostered shift on the days the work stoppages are occurring. We recommend employees should disclose to their manager if they will not be working their rostered shift to ensure patient and public safety is not compromised by unforeseen workforce shortages.

Where employees fail to attend for their rostered shift and do not provide notice of their absence, it will be recorded as an unauthorised absence and RCH will not be required to make payment regardless of whether a medical certificate or other evidence is provided.

RCH preference is to support HWU members to exercise their right to participate in protected industrial action without issue. Taking the reasonable step of advising your manager that you won't be attending your rostered shift will assist to ensure this occurs.

How do I know my manager won't take action against me for notifying I won't be attending my rostered shift?

In accordance with the *Fair Work Act 2009* adverse action, coercion and misrepresentations in connection with protected industrial action is prohibited.

Managers have been provided with advice on protected industrial action to ensure they have an understanding of the importance of not taking adverse action which contravenes the *Fair Work Act 2009*.

I'm not a member of HWU, is it true my manager can request me to stay at the workplace even though I want to participate in the work stoppage?

RCH have received the following notice from HWU:

'Members have been instructed that you will first attempt to provide auxiliary or redeployed staff to cover critical areas and then seek volunteers to remain if absolutely necessary for patient safety.'

Of primary consideration for RCH in all instances is patient and public safety. RCH will be operating an escalation model during the work stoppage period as follows:

1. Managers will first attempt to ensure coverage of absences through alternate workforce. This will include (but will not be limited to) considerations including engagement of bank/casual workforce, redeployment of employees into alternative work areas, redistribution of workloads, and engagement of agency staff during the work stoppage,
2. Where coverage is not possible in accordance with step 1, RCH will be asking HWU members to volunteer to remain in the workplace to ensure patient and public safety is maintained.
3. Where step 1 and 2 are not successful, escalation to more senior managers and engagement with RCH Workplace Relations, HWU and VHIA representatives will occur.

Is it true RCH will not be making payment to HWU members who participate in the work stoppage?

That is correct. In accordance with the *Fair Work Act 2009* RCH is prohibited from making payment to an employee for the total duration the employee is engaged in protected industrial action. However, this is limited to the actual period of time the work stoppage.

For example, if you only engage in the work stoppage for five (5) hours you will not be paid for those five (5) hours.

Employees also have obligations under the *Fair Work Act 2009* and must not ask for, or accept, such payment.

If you are a member of the HWU participating in the work stoppage, please ensure to record this information with your manager to ensure payment is not made in error.

I'm not member of HWU, what will happen if I participate in the work stoppage?

Employees who are not a member of HWU are not permitted to participate in the work stoppage. Where employees are not a current member of HWU and participate in the work stoppage, it will be considered unprotected industrial action. Unprotected industrial action is unlawful and can result in disciplinary action.

I'm a member of the HWU but not covered by the Health and Allied Services, Managers and Administrative Workers (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2021-2025 what will happen if I participate in the work stoppage?

HWU members who are not covered by the *Health and Allied Services, Managers and Administrative Workers (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2021-2025* are not permitted to participate in the work stoppage.

Where employees are not covered by the *Health and Allied Services, Managers and Administrative Workers (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2021-2025* and participate in the work stoppage, it will be considered unprotected industrial action. Unprotected industrial action is unlawful and can result in disciplinary action.

Is it true health services will be requesting Nurses specifically to cover the work stoppage?

No. Leadership teams will be assessing coverage requirements in all operational areas. Managers may request employees perform additional or alternative duties during the work stoppage period. These requests will consider the entire workforce and will not be limited to only consider Nurses.

Where can I access additional information about protected industrial action?

Additional information about protected and unprotected industrial action can be accessed on the Fair Work Ombudsman website [here](#)

RCH Workplace Relations team are also providing updates on bargaining and protected industrial action on the RCH intranet accessible [here](#)

Who can I contact if I have questions?

Employees should discuss questions with their manager in the first instance. If further assistance is required, please feel free to contact the Workplace Relations team workplacrelations@rch.org.au