



2 August 2016

## PSA wins historic victory for SLSOs in health care procedures dispute

The PSA appeared before Commissioner Murphy on 1 August 2016. PSA staff attended the Industrial Relations Commission (IRC) with a delegate from the Special Education Working Group and a member who was willing to provide evidence of the SLSOs current working environment where students requiring health care procedures attend her school.

After hearing submissions from the PSA, the members/delegates, the DoE, the NSW Nurses and Midwives Association, and PSA General Secretary Anne Gardiner, the outcomes the PSA won for SLSO members included that the DoE:

- a) Must meet jointly with the PSA and the Nurses Union to review the Tripartite Agreement from 2005 and also the Health Care Procedures Manual. The draft manual is not to be distributed until the concerns of the unions are appropriately considered by the DoE. The PSA has fought hard to have the DoE include references to “voluntary” appearing in the manual;
- b) Is required to adhere to the process detailed for the support attendance guidelines at clause 2.5 of the Tripartite

Agreement. The PSA fought hard to ensure all future Special Considerations Applications must provide evidence to the Panel that all other sources of support for the student MUST have been exhausted before the DoE sought SLSOs to “volunteer” to provide health care procedures;

- c) Must consult with the union (as required under the award) regarding any procedures that are outside the scope of the award. This includes discussions around blood sugar level testing, insulin injections and anal plugging;
- d) Make an undertaking to honour the voluntary nature of health care procedures and proactively ensure that no SLSO is placed under any undue pressure or influence to undertake health care procedures. The DoE will be providing a notice to Principals to ensure that duress is not applied to SLSOs to “volunteer” to undertake health care procedures. The Commissioner also commented that the Industrial Relations Act makes it unlawful for workers to be victimised in the workplace.

The DoE stated that all SLSOs at the commencement of their employment would be advised if health care procedures were included in their job. The PSA challenged the DoE position because we have been told by members that the health care procedures were unclear and was forced onto them after they had already been working.

If you feel you have been bullied into “volunteering” to undertake health care procedures, we want to hear from you. If you wish to come forward, please email [schools@psa.asn.au](mailto:schools@psa.asn.au) for confidential advice and support.

- e) Must comply with the statement of duties of SLSOs and ensure that SLSOs work under the direction and supervision of a teacher. This is to ensure that staff are appropriately supervised and protected. It also ensures the DoE is observing their duty of care to SLSOs and students. Cmr Murphy wants the DoE and the PSA to consider and define the supervision and direction aspect of SLSO employment in NSW public schools to be part of the discussions around the Tripartite Agreement and the manual. This has long been an issue for PSA members.

- f) Must allow the PSA to attend all of health care procedure training sessions for SLSOs run by the DoE. The PSA has been seeking to attend health care procedure training for a long time and the DoE has not accommodated our requests. At the training sessions the PSA will be ensuring that our SLSO members are aware of their industrial rights in volunteering to administer health care procedures.

This is a fantastic outcome for our SLSO members who for many years have been providing health care procedures under very difficult circumstances. The PSA would like to acknowledge and thank the many members who provided information which has helped to achieve this great win.

The PSA encourages members to pro-actively engage with the union because the IRC was adamant that the DoE must ensure that SLSOs feel confident that if they do not want to volunteer, there will be no retaliatory action against them.

The IRC advised PSA members to come forward and raise any concerns they may have relating to health care procedures delivery in your school.

