



14 April 2022

The Hon. Martin Foley  
Minister for Health, Ambulance Services and Equality  
22/50 Lonsdale Street  
Melbourne VIC 3000

**By Email Only:** [Minister.Health@health.vic.gov.au](mailto:Minister.Health@health.vic.gov.au)

Dear Minister,

### **AMBULANCE VICTORIA – UNDERPAYMENT**

We write to you in relation to systematic underpayments occurring at Ambulance Victoria (**AV**), in breach of the *Ambulance Victoria Enterprise Agreement 2020 (AVEA 2020)*.

These underpayments, which affect a number of our members, have been repeatedly raised with AV without satisfactory response or rectification. For this reason, we are now considering a number of options, including initiating proceedings in the Federal Circuit and Family Court of Australia in order to recover backpay for our members, and to secure penalties against AV for contraventions of the *Fair Work Act 2009* (Cth). We are considering whether AV's conduct may also be contrary to the *Wage Theft Act 2020* (Vic), and if so, whether a referral to the Wage Theft Inspectorate may be appropriate.

We are writing to you to request your intervention to ensure that the matter is promptly resolved, with the appropriate backpay for our members, and a commitment from AV to rectify the issue moving forward, without the need for litigation. We would appreciate your attention being given to this matter at the earliest opportunity, so that our members do not continue to be out of pocket, particularly in light of current cost of living pressures.

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## **The underpayments**

The nature of the underpayments relates to the proper classification and corresponding wage rates of our members under the AVEA 2020, in particular when they are on long-term secondments.

It is not uncommon for our paramedic members to take on secondments, sometimes of many years in duration, to various other departments of AV. These secondments attract different rates of pay to their previous substantive roles under the AVEA 2020.

The AVEA 2020 provides for incremental progression of wage rates, based on the number of years working in a particular role. For instance, many positions will have a higher rate of pay for a “Year 3” employee in that role than for a “Year 1” employee.

The current issue relates to our members who are on long-term secondments to the Rosters department, and who ought to receive incremental progression of wage rates under the AVEA 2020 at years 1, 3, 6 and 9 within the role. However, AV has failed to progress these employees, some of whom remain at the “Year 1” pay rate after many consecutive years in the role. The difference in salary between a Year 1 and a Year 9 employee within Rosters is more than \$8,900 per year, before accounting for overtime, superannuation and other entitlements.

When our members have raised this issue with AV, they have received responses to the effect that they are not entitled to the incremental progression. This is despite the AVEA 2020 and previous agreements, clearly providing for the progression, and other departments within AV recognising incremental progression in similar circumstances of long-term secondment. When we have written to AV about the issue on our members’ behalf, we have received no substantive response.

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In some cases, AV has offered our members a substantive ongoing role in the position to which they are currently seconded, effectively ending the secondment by making these roles permanent. However, these offers have been conditional upon our members signing new contracts which stipulate that they will be paid at “Year 1” wage rates, irrespective of their length of prior service in the role.

Our members were not prepared to sign these contracts due to this stipulation, and as a result AV has since reverted to paying them the wage rate that would apply to their pre-secondment, substantive role – which in some cases is between \$15,000 and \$25,000 less per year in salary alone than they are entitled to be paid for the work they are actually performing.

We consider that AV’s actions are plainly inconsistent with their obligations under the AVEA 2020, and are therefore in contravention of the FW Act. As there is a financial advantage for AV in withholding this incremental progression, we consider that its continued refusal after the issue has been specifically raised brings into question whether its actions are deliberate or dishonest, which would be relevant for any potential contravention of the Wage Theft Act. As you would appreciate, contraventions of either Act attract significant penalties for employers.

We also note that this issue is disproportionately affecting women, who comprise the majority of employees in Rosters. In light of the serious, widespread issues canvassed in the independent review into AV conducted by the Victorian Equal Opportunity and Human Rights Commission, we consider it more important than ever that AV eliminates any practices which are discriminatory, or which could impose disadvantage on the basis of gender. For that reason, we are particularly disappointed that AV has not taken this underpayment issue more seriously to date, and this is another reason we urge you to intervene.

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## Our members

Our members who we have thus far believe have been underpaid are:

[REDACTED]

The full extent of the underpayments is as yet unclear, and will require AV to conduct a thorough audit to calculate what is owed to each of them, in terms of wages and other entitlements such as superannuation. What is clear, however, is that the sums owed to our members will be significant.

For example, [REDACTED] has been employed by AV since [REDACTED], and has been seconded to work in Rosters since [REDACTED]. Despite this, [REDACTED] was, until recently, still being paid at the “Year 1” increment of the applicable classification, which would have left [REDACTED] underpaid by around \$3,000 per year. After [REDACTED] refused to sign a new contract agreeing to the Year 1 rate, AV has started paying [REDACTED] at the much lower rate of pay that applied to [REDACTED] pre-secondment, substantive role, which will now leave [REDACTED] underpaid by more than \$18,000 per year. This is before accounting for corresponding underpayment of superannuation and other entitlements.

[REDACTED] has been employed by AV since [REDACTED] and has been seconded to work in Rosters continuously since [REDACTED]. Despite this, [REDACTED] is still being paid at “Year 1” rates of pay, which is currently leaving [REDACTED] more than \$5,400 per year worse off. Meanwhile, [REDACTED] has been seconded to work in Rosters continuously since [REDACTED]. Despite this, [REDACTED] is

also still being paid at “Year 1” rates, which is leaving ■■■ up to \$8,900 per year worse off.

These are just a few examples of the underpayments occurring in the AV Rosters department. Our members cannot afford to be short-changed by thousands, or even tens of thousands of dollars, any longer.

### **Next steps**

Our members deserve to be paid correctly for the work they do. It is unacceptable that AV has refused to fix this, and has refused to engage with us or provide a substantive response about this issue.

We respectfully request that you, as the responsible Minister, intervene to ensure that AV *immediately complies with its obligations* under the AVEA 2020 moving forward, and *commits to promptly conducting a forensic audit* to work out exactly how much backpay each of our members is owed – including superannuation and any other entitlements which have been underpaid as a result of this issue.

We would appreciate your response by **COB 5 May 2022**, with a plan to rectify the issue for our members and we welcome the opportunity to provide any further information that might assist you.

Kind regards



**Brett Adie**  
**Secretary**  
**Ambulance Employees Australia Victoria (AEAV)**

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