

Interim Orders



SOUTH
AUSTRALIAN
EMPLOYMENT
TRIBUNAL

Case Details

Case number	ET-21-01691
Applicant	Department of Treasury and Finance
Respondent	United Workers Union
Other party	
Linked case(s)	

Interim Orders

1. TITLE

This order shall be known as the UWU – April 2021 Industrial Action Interim Order (“**the Order**”).

2. APPLICATION

This Order applies to work and employment throughout Department for Health and Wellbeing and Local Health Networks and which is regulated by the *South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2017* (“**Enterprise Agreement**”) and the *South Australian Government Health Etc. Ancillary Employees Award*.

3. PARTIES BOUND

The parties bound by this order are:

- the Chief Executive of the Department of Treasury and Finance, being the person declared to be the employer of public employees for the purposes of section 4(1) of the *Fair Work Act 1994* (SA) (“**the Employer**”) (in respect of the Department for Health and Wellbeing (DHW));
- the United Workers Union (“**the UWU**”); and
- employees of the Employer who are members of the UWU or eligible to be members of the UWU and who are employed within DHW (“**Employees**”).

4. THE FOLLOWING INDUSTRIAL ACTION MUST CEASE AND NOT BE ORGANISED

At Flinders Medical Centre – CSSD

- Theatre trolleys will be left in the collection room and not wiped down.
- No inducting, training or instructing of agency staff.

At Flinders Medical Centre – Endo Area

- Machines will not be turned off or on.

At Flinders Medical Centre – PSAs

- Daily task sheets will not be filled in or signed except marking special cleans
- No inducting, training or instructing of agency staff.
- Team leaders will not co-sign end of shift sheets, audit or work sheets (excluding food, fridge, freezer and meal delivery sheets).

At Flinders Medical Centre – Theatre Orderlies

- Fetch and carry will only be performed by designated orderlies.
- Theatre orderlies will only clean or make operating theatre beds
- No inducting, training or instructing agency staff.

At Glenside – Catering

- Fridge temperatures will be taken but not recorded.

At Lyell McEwin Hospital – CSSD

- No inducting, training or instructing of agency staff and students
- Theatre trolleys will be left in the collection room and not wiped down.
- Only critical paperwork will be completed (e.g. not marking battery serial numbers, marking individual name next to daily cleaning schedule).

At Lyell McEwin Hospital – Catering

- Fridge, dishwasher, Bain Marie and food temperatures will be checked but not recorded
- No inducting, training or instructing agency staff.

At Lyell McEwin Hospital – Theatre Orderlies

- The temperature of the fridges and warmers will be checked but not recorded.

Port Lincoln Hospital – Catering/Kiosk

- Fridge, dishwasher, Bain Marie and food temperatures will be checked but not recorded.

Port Lincoln Hospital – Laundry

- Washing loads will not be recorded.
- Cleaning schedules will not be signed off/on.
- Linen will not be ironed.

Strathalbyn Hospital and Aged Care – Catering

- Fridge, dishwasher, Bain Marie and food temperatures will be checked but not recorded.
- Dishes will be washed but not put away.

Strathalbyn Hospital and Aged Care – Laundry

- No paperwork will be completed.

Whyalla hospital – Catering

- Fridge and freezer stock will be placed into the fridge and freezer but not into allocated spots.

Other than the remaining subject matter of the amended work ban notices dated 22 April 2021, no additional industrial action whatsoever is to be organised or implemented.

5. DEFINITION OF INDUSTRIAL ACTION

For the purposes of this Order “Industrial Action” means:

- a work practice, or a way of performing work, adopted in connection with an industrial dispute, that restricts, limits or delays the performance of the work; or
- a ban, limitation, or restriction affecting the performance of work, or the offering or acceptance of work; or
- a failure or refusal in connection with an industrial dispute to attend for work, or to perform work,

but does not include action taken by the Employer with the agreement of the employees, or action taken by employees with the agreement of the Employer;

6. SERVICE OF ORDER AND INFORMING EMPLOYEES

- For the purposes of Rule 17 of the South Australian Employment Tribunal Rules 2017, it will be sufficient service of this Order upon the parties bound by this Order if a copy is sent by e-mail to the National Director/State Secretary of the UWU at:

demi.pnevmatikos@unitedworkers.org.au

- A copy of this Order must be placed on any noticeboards usually used by the Department for Health and Wellbeing and the Local Health Networks for the purposes of communicating with the employees defined in clause 3.3 of this order.
- By Midnight 30 April 2021, the National Director/State Secretary of the UWU must post or cause to be posted a copy this Order in a prominent position on its website.
- The National Director/State Secretary of the UWU must take all reasonably practicable steps necessary and available to him/her under the rules of the UWU or otherwise to:

6..1. immediately advise its members, including persons who act as workplace representatives of the UWU at the Department of Health and Wellbeing and/or Local Health Networks ("**Delegates**") engaged in connection with work for the Department that:

- (a) any additional industrial action must not be engaged in, or threatened;
- (b) any additional industrial action must not be organised, aided, abetted, directed, procured, induced, advised, authorised, encouraged or facilitated; and
- (c) any additional direction, advice or authorisation by it to the Employees to engage in industrial action is withdrawn;

6..2. not later than 5.00pm 30 April 2021, provide a copy of this Order to Delegates;

6..3. take all reasonable steps to ensure that Delegates comply with this Order by no later than Midday 1 May 2021.

6..4. not later than Midday 1 May 2021, have all of the worksite ban notices dated 22 April 2021, removed from all worksites and replaced with notices that comply with these orders.

7. MEDIATION

The Parties are to participate in compulsory mediation before Deputy President Gilchrist to explore the resolution of the issues that underpin the industrial action.

A preliminary directions hearing will be conducted at 9.00am on Wednesday 5 May 2021.

8. TERM AND DATE OF EFFECT

This order shall come into effect forthwith.

9. LIBERTY TO APPLY

Any person affected by this order shall have liberty to apply to the South Australian Employment Tribunal to vary, extend or rescind this order, and in connection with any such application they may apply to adduce further evidence.



Commissioner Cairney

30 Apr 2021

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