



ORDER

Fair Work Act 2009

s.229 - Application for a bargaining order

Woolworths Group Limited T/A Woolworths Group Limited

v

United Workers' Union

(B2024/1584)

DEPUTY PRESIDENT BOYCE

SYDNEY, 6 DECEMBER 2024

Good faith bargaining orders – interim orders

The Fair Work Commission **orders** as follows:

[1] Pursuant to s 230 and s 589 of the *Fair Work Act 2009* (**FW Act**), until the final hearing and determination of Woolworths' application, or until further order of the Fair Work Commission (**FWC**), and subject to s 232 of the FW Act, the United Workers Union (**UWU**) (whether by itself, its employees, its officers, servants or agents) be restrained from:

- (a) preventing, hindering, interfering or otherwise obstructing with, or attempting to prevent, hinder, interfere or otherwise obstruct with, free access to and free egress from Woolworths' distribution centre located at:
 - i. the Mulgrave site which includes the Melbourne National Distribution Centre at 522 Wellington Rd, Mulgrave VIC 3170 and the Mulgrave support office or any other entry point to the Mulgrave Site;
 - ii. the Hoxton Park Distribution Centre (**HPDC**) at 40 Blackbird Cl, Hoxton Park NSW 2171 or any other entry point to the HPDC;
 - iii. Melbourne Fresh Distribution Centre (**MFDC**) at 85 Foundation Rd, Truganina VIC 3029 or any other entry point to MFDC; and
 - iv. the Melbourne South Regional Distribution Centre (**MSRDC**) at 2 Portlink Dr, Dandenong South VIC 3175 or any other entry point to MSRDC,

(together, **the Sites**), by any person or vehicle, whether by themselves or by any object or vehicle;

- (b) save as for protected industrial action taken by Woolworths' employees in accordance with the FW Act, taking any action to interfere with, or attempt to interfere directly or indirectly with, the performance of work by employees or contractors of Woolworths at the Sites; and

- (c) save as for protected industrial action taken by Woolworths' employees in accordance with the FW Act, attempting to do or direct, induce, procure, advise, incite, cause or assist any person to do or attempt to do any of the things set out in subparagraphs (a) and (b) above.

[2] By 9.00 pm on 6 December 2024, the UWU must send an email and text message to each of its employees, officers and delegates who have had any involvement or association with the Sites, the negotiations for the Proposed Agreements and/or for the preparation or maintenance of any picket at any of the Sites and for whom it has an email address or mobile phone number, containing a message substantially in the following terms:

The Fair Work Commission has made an interim bargaining order. The order, during its period of operation, in summary, restrains the United Workers' Union (including through its officers, servants and agents) from any obstruction of access to or egress from:

- i. the Mulgrave site which includes the Melbourne National Distribution Centre at 522 Wellington Rd, Mulgrave VIC 3170 and the Mulgrave support office or any other entry point to the Mulgrave Site;*
- ii. the Hoxton Park Distribution Centre (HPDC) at 40 Blackbird Cl, Hoxton Park NSW 2171 or any other entry point to the HPDC;*
- iii. Melbourne Fresh Distribution Centre (MFDC) at 85 Foundation Rd, Truganina VIC 3029 or any other entry point to MFDC; and*
- iv. the Melbourne South Regional Distribution Centre (MSRDC) at 2 Portlink Dr, Dandenong South VIC 3175 or any other entry point to MSRDC.*

(together, the Sites).

You are hereby advised that the UWU no longer authorises or supports any obstruction of access to, or egress from, the Sites.

The UWU asks you to immediately take any steps to ensure that that no person from, or associated with, the UWU engages in any conduct that prevents, hinders or interferes with persons or vehicles accessing or exiting the Sites.

Specifically, as an employee or officer or delegate of the UWU, you must not:

- prevent, hinder, interfere with, or attempt to prevent, hinder or interfere with, free access to and free egress from the Sites by any person or vehicle;*
- advise, cause, induce, procure or incite any other person to do so; or*
- make, publish, disseminate or distribute any statement or representation (whether in or to the media, in or on social media or howsoever otherwise) suggesting or indicating that any other person should do so, or expressing support (however described) for any other person doing so.*

[3] By 9.00 pm on 6 December 2024, the UWU must send an email and a text message to each of the employees of Woolworths who will be covered by the Proposed Agreements who

are its members (according to its membership database as at 5:30pm on 6 December 2024) and for whom it has an email address and/or mobile telephone number containing a message in substantially the following terms:

The Fair Work Commission has made an interim bargaining order. The order, during its period of operation, in summary, restrains the United Workers' Union (including through its officers, servants and agents) from any obstruction of access to, or egress from the Melbourne National Distribution Centre, Hoxton Park Distribution Centre, Melbourne Fresh Distribution Centre, and Melbourne South Regional Distribution Centre (the Sites).

You are hereby advised that the UWU no longer authorises or supports any obstruction of access to, or egress from, the Sites.

The UWU asks you to immediately take any steps to ensure that that no person from, or associated with, the UWU engages in any conduct that prevents, hinders or interferes with persons or vehicles accessing or exiting the Sites.

Specifically, as a member of the UWU, the UWU asks that you do not:

- *prevent, hinder, interfere with, or attempt to prevent, hinder or interfere with, free access to and free egress from the Sites by any person or vehicle;*
- *advise, cause, induce, procure or incite any other person to do so; or*
- *make, publish, disseminate or distribute any statement or representation (whether in or to the media, in or on social media or howsoever otherwise) suggesting or indicating that any other person should do so, or expressing support (however described) for any other person doing so.*

[4] By 9.00 pm on 6 December 2024, the UWU must post a message on its Facebook page (<https://www.facebook.com/UnitedWorkersOz>), X (formerly known as Twitter) account (United Workers Union (@UnitedWorkersOz) / X) and site (<https://unitedworkers.org.au/>) in the following terms:

The Fair Work Commission has made an interim bargaining order. The order, during its period of operation, in summary, restrains the United Workers' Union (including through its officers, servants and agents) from any obstruction of access to, or egress from:

- i. *the Mulgrave site which includes the Melbourne National Distribution Centre at 522 Wellington Rd, Mulgrave VIC 3170 and the Mulgrave support office or any other entry point to the Mulgrave Site;*
- ii. *the Hoxton Park Distribution Centre (HPDC) at 40 Blackbird Cl, Hoxton Park NSW 2171 or any other entry point to the HPDC;*
- iii. *Melbourne Fresh Distribution Centre (MFDC) at 85 Foundation Rd, Truganina VIC 3029 or any other entry point to MFDC; and*

- iv. *the Melbourne South Regional Distribution Centre (MSRDC) at 2 Portlink Dr, Dandenong South VIC 3175 or any other entry point to MSRDC.*

(together, the Sites).

The UWU no longer authorises or supports any obstruction of access to, or egress from, the Sites.

We expect that anyone who is affiliated in any way with the UWU will not engage in any obstruction of access to, or egress from, the Sites and takes any steps to ensure that they are not preventing, hindering or interfering with persons or vehicles accessing or exiting the Sites.

Specifically, we ask any members of the UWU not to:

- prevent, hinder, interfere with or otherwise obstruct, or attempt to prevent, hinder or interfere with or otherwise obstruct, free access to and free egress from the Sites by any person or vehicle;*
- advise, cause, induce, procure or incite any other person to do so; or*
- make, publish, disseminate or distribute any statement or representation (whether in or to the media, in or on social media or howsoever otherwise) suggesting or indicating that any other person should do so, or expressing support (however described) for any other person doing so.*

[5] The communications in paragraphs 2-5 of these Orders above must be made without any additional words or commentary in or immediately preceding or immediately following the communications, which might detract from, or otherwise confuse or contradict, the importance of those communications.

Note, for the purpose of these orders, **Proposed Agreements** means enterprise agreements which replace the:

- (a) *Erskine Park Distribution Centre Enterprise Agreement 2022;*
- (b) *Melbourne Liquor Distribution Centre Enterprise Agreement 2021-2024;*
- (c) *Melbourne South Regional Distribution Centre Enterprise Agreement 2022;* and
- (d) *Woolstar Pty Limited Wodonga Regional Distribution Centre and the National Union of Workers Enterprise Agreement 2021-2024.*



DEPUTY PRESIDENT

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