



AUSTRALIAN
NURSING
FEDERATION

victorian
B R A N C H

CIRCULAR

To: **Employees** of one (or more) of the **Employers** listed in Schedule A ("the Employers"), employed as a Nursing Assistant, Registered Nurse, Enrolled Nurse or Mothercraft Nurse

- Fair Work Australia has issued the *Nurses – Victorian Public Health Sector – Unprotected Industrial Action Order 2011 No. 2* ("the Order").
- The terms of the Order are as follows:

1. TITLE

This Order shall be known as the *Nurses – Victorian Public Health Sector – Unprotected Industrial Action Order 2011 No. 2* (**the Order**).

2. APPLICATION AND PARTIES BOUND

2.1 This Order is binding on and applies to:

- (a) the Australian Nursing Federation (**ANF**);
- (b) the delegates, key members, officers, employees and members of the ANF; and
- (c) the Victorian Hospitals' Industrial Association (**VHIA**).

3. DEFINITIONS

- 3.1 For the purposes of this Order, '**Employers**' means the employers listed in Schedule A to this Order.
- 3.2 For the purposes of this Order, '**Employee**' means an employee of one (or more) of the Employers, who is employed as a Nursing Assistant, Registered Nurse, Enrolled Nurse or Mothercraft Nurse.
- 3.3 For the purposes of this Order, '**industrial action**' has the meaning prescribed by section 19 of the *Fair Work Act 2009* and includes:

- (a) the performance of work by an Employee in a manner different from that in which it is customarily performed, or the adoption of a practice in relation to work by an Employee, the result of which is a restriction or limitation on, or a delay in, the performance of the work;
- (b) a ban, limitation or restriction on the performance of work by an Employee or on the acceptance of or offering for work by such an Employee; and
- (c) a failure or refusal by Employees to attend for work or a failure or refusal to perform any work at all by Employees who attend for work;

but excludes:

- (d) action by Employees that is authorised or agreed to by their Employer;
- (e) action by an Employee if:
 - (i) the action was based on a reasonable concern of the Employee about an imminent risk to his or her health or safety; and
 - (ii) the Employee did not unreasonably fail to comply with a direction of their Employer to perform other available work, whether at the same or another workplace, that was safe and appropriate for the Employee to perform.

3.4 For the purposes of this Order, '**negotiations**' means the negotiations between the ANF, VHIA and other bargaining representatives, for an enterprise agreement to apply to the Employers and the Employees.

3.5 For the purposes of this Order, '**members of the ANF**' means members of the Victorian Branch of the ANF.

4. **INDUSTRIAL ACTION MUST STOP AND NOT BE ORGANISED**

4.1 From the time of this Order, the ANF, and the delegates, key members, officers, employees and members of the ANF, must:

- (a) stop, not organise and not engage in any industrial action involving any Employees;
- (b) not organise, aid, abet, direct, procure, induce, authorise, incite, advise, persuade or encourage any of the Employees to:
 - (i) refuse or fail to attend for work as directed;
 - (ii) refuse or fail to perform any work at all; or
 - (iii) otherwise engage in any industrial action;
- (c) not threaten or propose to do any of the things referred to in paragraphs 4.1(a) or 4.1(b);

- (d) not maintain any organisation of any industrial action; and
- (e) not maintain any incitement, advice, persuasion or encouragement of the type referred to in paragraph 4.1(b).

4.2 The ANF must:

- (a) by **9.00 AM** on 26 November 2011, send via Twitter and Facebook (using the ANF's Twitter and Facebook accounts used to inform its members about the negotiations) in the following terms:

ANF industrial action cancelled. All members must attend work as rostered and perform work in usual manner. Lisa Fitzpatrick, ANF Vic Sec'y

- (b) by **9.00 AM** on 26 November 2011, issue and distribute to the members of the ANF a circular addressed to the Employees which:
 - (i) sets out the terms of this Order;
 - (ii) states that industrial action against the Employers is unlawful, and is cancelled; and
- (c) write to the VHIA by 11.00 AM on 26 November 2011, to advise what steps have been taken in compliance with clause 4.2(a) and 4.2(b) of this Order.

5. SERVICE OF THE ORDER

Without limitation as to other means of service, it will be sufficient service of this Order upon the ANF and the delegates, key members, officers, employees and members of the ANF if a copy of this Order is sent by email or facsimile, addressed to:

Ms Lisa Fitzpatrick
State Secretary
Australian Nursing Federation
Email: lfitzpatrick@anfvic.asn.au
Facsimile: (03) 9275 9344

6. TERM AND DATE OF EFFECT

This order shall come into effect from 9.00 AM on 26 November 2011 and shall continue in force until 9.00 AM on 12 December 2011.

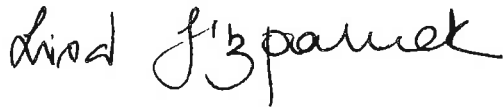
SCHEDULE A – LIST OF EMPLOYERS

1. Albury Wodonga Health (Wodonga Hospital)
2. Alexandra District Hospital
3. Alfred Health
4. Alpine Health
5. Austin Health
6. Bairnsdale Regional Health Service
7. Ballarat Health Services
8. Barwon Health

9. Bass Coast Regional Health
10. Beaufort and Skipton Health Service
11. Beechworth Health Service Inc
12. Benalla Health Service
13. Bendigo Health Care Group
14. Boort District Health
15. Calvary Health Bethlehem Hospital Ltd
16. Casterton Memorial Hospital
17. Castlemaine Health
18. Central Gippsland Health Service
19. Cobram District Health
20. Cohuna District Hospital
21. Colac Area Health
22. Dental Health Services Victoria
23. Djerriwarrh Health Services
24. Dunmunkle Health Services
25. East Grampians Health Service
26. East Wimmera Health Service
27. Eastern Health
28. Echuca Regional Health
29. Edenhope & District Memorial Hospital
30. Gippsland Southern Health Service
31. Goulburn Valley Health
32. Heathcote Health
33. Hepburn Health Service
34. Hesse Rural Health Service
35. Heywood Rural Health
36. Inglewood & District Health Service
37. Kerang District Health
38. Kilmore & District Hospital
39. Kooweerup Regional Health Service
40. Kyabram and District Health Service
41. Kyneton District Health Service
42. Latrobe Regional Hospital
43. Lorne Community Hospital
44. Maldon Hospital
45. Mallee Track Health & Community Service
46. Mansfield District Hospital
47. Maryborough District Health Service
48. Melbourne Health
49. Mercy Public Hospitals Inc
50. Mildura Base Hospital
51. Moyne Health Services
52. Nathalia District Hospital
53. Northeast Health Wangaratta
54. Northern Health
55. Numurkah District Health Service
56. Omeo District Health
57. Orbost Regional Health
58. Otway Health and Community Services
59. Peninsula Health
60. Peter MacCallum Cancer Institute
61. Portland District Health
62. Robinvale District Health Services
63. Rochester & Elmore District Health Service

64. Royal Children's Hospital
65. Royal Victorian Eye & Ear Hospital (The)
66. Royal Women's Hospital
67. Rural Northwest Health
68. Seymour Health
69. South Gippsland Hospital
70. South West Healthcare
71. Southern Health
72. St Vincent's Health Melbourne
73. Stawell Regional Health
74. Swan Hill District Health
75. Tallangatta Health Service
76. Terang & Mortlake Health Service
77. Timboon & District Health Care Service
78. Upper Murray Health and Community Services
79. West Gippsland Healthcare Group
80. West Wimmera Health Service
81. Western District Health Service
82. Western Health
83. Wimmera Health Care Group
84. Yarram & District Health Service
85. Yarrawonga Health (formerly known as Yarrawonga District Health Service)
86. Yea and District Memorial Hospital

- Industrial action against the **Employers** (as above) is unlawful and is cancelled.



Lisa Fitzpatrick
State Secretary, ANF (Vic Branch)
25 November 2011