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>>> **FWA to hear bid to halt nurses' action tomorrow; Picket ongoing at Baiada; and more**

14 November 2011 5:50pm

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Full bench convenes tomorrow to consider bid to end nurses' industrial action

A Fair Work Australia full bench will at 10.30 tomorrow morning begin hearing the Victorian Government-supported application to end industrial action by the state's public sector nurses (see [Related Article](#)).

The Victorian Hospitals' Industrial Association, which is leading the agencies' bargaining with the ANF, lodged with FWA today the application under [s424](#) (the same provision relied on by Workplace Relations Minister Senator Chris Evans to halt industrial action at Qantas a fortnight ago (see [Related Article](#)).

The VHIA is seeking an order that all protected industrial action, including the ANF's industrial bans on a third of hospital beds and urgent elective procedures, as well as non-elective procedures, be terminated immediately.

Health Minister David Davis said today that the Victorian Government would not 'allow patient safety and welfare to be put at risk by this unnecessary union action'.

However, Lisa Fitzpatrick, ANF Victorian branch secretary, disputed the Minister's assertion that the nurses' action was putting patient safety at risk.

She said the ANF would vigorously defend the application and the Minister's "incorrect claims that nurses and midwives are putting patient safety and welfare at risk".

Fitzpatrick said just over 700 beds had been closed over the weekend as a result of the bans, which included 300 beds reserved for emergencies.

"The ANF has no intention or ability to shut down a third of the state's 13,000 hospital beds because there are two whole hospitals, Peter MacCallum Cancer Centre and the Royal Children's Hospital, and 12 speciality areas, exempt from the action," she said.

She said the union was aware of the cancellation of one vasectomy in an outer metropolitan hospital, no cancellations in metropolitan hospitals, while scheduled private elective surgeries were still going ahead in public hospitals today.

Poultry workers maintaining picket at Baiada Poultry

Talks are expected to resume tomorrow between the NUW and Baiada Poultry, while striking workers maintain the picket line at a Melbourne site that has stopped chicken deliveries to Coles and Woolworths supermarkets and major fast food outlets.

NUW lead organiser Godfrey Moase told *Workplace Express* that he was hopeful that the company would agree to discuss the "extremely serious issues underlying the action that these workers have very reluctantly taken".

The Victorian Supreme Court on Friday banned Moase and the NUW from blocking, or encouraging union members to block, the movement of vehicles or people in or out of the Laverton Plant at the centre of the industrial action, which began on November 9.

[Baiada Poultry Pty Limited](#), which took over Steggles in 2009, is a family-owned group of chicken processing companies with operations in NSW, South Australia, Queensland and Victoria.

In seeking the injunction against Moase and the NUW, Baiada told Supreme Court Justice Elizabeth Hollingworth that the picket line had prevented \$1 million worth of perishable produce

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from leaving the premises in the first 48 hours of the industrial action.

When police acted to enforce the injunction at 11pm on Friday evening, one worker was taken away by ambulance after his legs were injured.

About 240 permanent employees at the group's Laverton processing plant began protected industrial action on November 9 after four months of negotiations failed to result in a new enterprise agreement.

Moase said the Baiada workforce, with its large contingent of migrant workers and international students, had been reluctant to take industrial action but felt that their concerns about safety and job security were being ignored.

WorkSafe Australia is yet to complete its investigation of the decapitation of a contract cleaning employee, Surel Singh, at the plant last year. And in 2009, the Victorian County Court fined Baiada \$100,000 for failing to ensure the safety needs of a contractor.

Moase said that the union had passed on concerns to the Department of Immigration about potential breaches of the Migration Act over international students employed at the plant and had passed on letters of complaint to the company which allege workplace bullying and sexual harassment.

In July this year, Fair Work Australia found that the NUW had misused its entry rights when it covertly filmed at the group's South Australian operations (see [Related Article](#)).

Moase said about 244 workers are directly employed by Baiada Poultry, but the union estimates that that the total workforce is closer to 430, with the remainder employed on contracts or through labour-hire companies

He said the Fair Work Ombudsman is investigating possible sham contracting within the poultry industry.

A spokesperson for Baiada Poultry told *Workplace Express* that the company would not be making any comment.

Baiada Poultry is Australia's leading poultry company, supplying Coles and Woolworths supermarkets, Aldi, Nandos, KFC and Red Rooster.

The NUW is running a [campaign](#) to improve working conditions across the industry.

Agreement gets up by narrow margin at SBS

A ballot for a proposed new enterprise agreement at SBS has been carried by a margin of just 35 votes, with the MEAA claiming that its campaign against the deal was successful in generating a big turnout.

Acting NSW branch secretary Claire Montgomery told *Workplace Express* the union continued to be concerned over the linking of pay increases to performance standards contained in the company's new MyCareer system (see [Related Article](#)).

She said the closeness of the vote and the large turnout also indicated that those concerns were shared by many SBS employees.

Of the 924 to be covered by the agreement, some 581 voted in the employer ballot. Of the valid votes, 308 voted for the agreement and 273 against.

The agreement, which has been lodged with Fair Work Australia, will deliver 9% pay increases over three years, with the first 3% to be paid in mid-December.

The SBS agreement concludes the union's negotiations for new enterprise agreements in the public and commercial television sector.

In the print journalism sector, after a long delay, rural journalists covered by the Country Press Association enterprise agreement will vote this week to accept a union-endorsed three-year renewal that will deliver wage increases of 3% backdated to July 1, 2.75% from March 31 and 3% from March 31, 2013.

The agreement also provides for journalists to be involved in the main training program for country journalists run by Deakin University and a commitment to cooperatively discuss reducing time off in lieu.

Meanwhile, Media Alliance national secretary Chris Warren will appear before the Independent Media Inquiry when it [moves to Sydney](#) this week.

Warren, who will appear on Wednesday, will argue for continuing media self-regulation through a revamped Press Council (see the union's [submission](#)).

Union activist challenging CPSU secretary

CPSU national secretary [Nadine Flood](#) is being challenged for the union's top job by its representative for the Department of Agriculture, Forestry and Fishing and the Quarantine Service,

Amelio Sarchese.

Sarchese has been a longstanding workplace delegate and [section secretary](#) (he is being challenged for the section secretary role by AQIS officer and delegate/section councillor [Marian Payne](#), who is a member of the [Nadine Flood team](#)). He is also a member of the union's governing council as a result of his section secretary role.

In his [candidate statement](#), Sarchese says that if elected he will hold a rank and file vote on the union's affiliation to the ALP and review the union's efforts in this year's public sector bargaining round.

Flood says in her [statement](#) that the union, under her stewardship, has "secured better pay and conditions for tens of thousands of members".

Flood is the only member of the union's seven-person executive facing a challenge in the ballot (see [Related Article](#)).

The ballot for the national secretary position and contested section secretary and delegate positions opens this Wednesday and closes on December 12.

All new terms run from January 1 next year until December 31, 2014.

- See all of the [candidate statements](#).

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