

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996

s.496(1) - Appl'n for order against industrial action (federal system)

Shedden Uhde Pty Limited

and

Construction, Forestry, Mining and Energy Union

and

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

and

Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union
(C2006/1490)

Building, metal and civil construction industries

COMMISSIONER EAMES

MELBOURNE, 30 MARCH 2006

Application to stop industrial action at the site of Basell Australia, Corio, Geelong.

RECOMMENDATION AND DIRECTION

[1] It is the very strong recommendation of this Commission that the employees working at the Corio site of Shedden Uhde Pty Limited resume work by 8.00am tomorrow morning. The Commission is satisfied, based on the material that's been presented to it at this point, that the occupational health and safety concerns to which reference was made in these proceedings have been properly addressed, in the Commission's view, and it is appropriate that work resume. The Commission has been advised that the employees are meeting at 7.00am tomorrow morning, and I trust that the officials representing those employees will pass on this recommendation to their membership tomorrow morning, and work resumes by 8.00am.

[2] If work does not resume at that time, I propose to issue an interim order in terms sought by the Applicant to these proceedings, based again on material which I have with me.

- I direct that no further industrial action of any kind take place while this current matter is being determined by the Commission. Work should continue as normal, and I would anticipate and trust that as a result of this direction, no industrial action will take place.
- In the event that an official of the union seeks entry to the premises of the Applicant based on occupational health and safety concerns, it will be appropriate that such an official is properly authorised consistent with section 88 of the *Occupational Health & Safety Act*.

- That is, that they have the appropriate permits and do have the necessary paperwork associated with such a seeking of right of entry to exercise their rights in accordance with the Act. I again would expect that that right would be accorded to such authorised persons.
- I intend to re-list this matter, at 4.00pm, Thursday 6 April 2006, to hear further submissions in relation to the substantive application, and I will deal with it. To assist the parties in preparing for that matter, the Applicant will file and serve an outline of submissions and any witness statements with the Commission, with copies to the respondent unions, by 4.30pm on Monday, 3 April 2006. The unions, parties to these proceedings, will file and serve an outline of submissions and any relevant witness statements with the Commission, copies to the Applicant, by 4.30pm on Wednesday, 5 April 2006.
- I have taken this decision, which will be committed to writing as a recommendation and a direction, in the hope that no further industrial action does take place at this site. There are, within the terms of the *Workplace Relations Act 1996* in its current form, ways and means by which grievances can be addressed. If parties abide by all of the requirements, then I would anticipate that there would be no further difficulties. But I do take the application seriously and I will deal with it and I will take submissions next week.

BY THE COMMISSION:

COMMISSIONER

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