

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Industrial Relations Act 2016
Section 262

Queensland Corrective Services

AND

Together Queensland Industrial Union of Employees

(No. D2019/144)

15 November 2019

Commissioner Dwyer

ORDER

Upon hearing the parties in the above matter at Brisbane on 15 November 2019, this Commission makes the following Order pursuant to section 262 (4) of the *Industrial Relations Act 2016*:

1. Title

1.1 This order shall be known as the Capricornia Correctional Centre Order No 1 of 2019.

2. Parties bound by the order and duty to comply

2.1 This order is binding on:

- (a) Together Queensland Industrial Union of Employees (Together Queensland); and
- (b) all employees of Queensland Corrective Services (State of Queensland) who are employed at or in connection with the Capricornia Correctional Centre (“the Employees”) whether or not they are members of Together Queensland.

2.2 This Order applies in relation to work that is:

- (a) Performed or usually performed by the Employees; and
- (b) Regulated by the *Correctional Employees Award - State 2015*.

2.3 This Order shall be complied with by:

- (a) Together Queensland (by itself and its Secretary, officers, employees, agents, delegates and members); and
- (b) All Employees.

3. Industrial Action to Stop or Not Occur

3.1 Non protected industrial action as defined in this order shall not occur, or where occurring shall stop, be discontinued, or cancelled and withdrawn.

3.2 Together Queensland shall itself, and through its State President, Secretary, officers, employees, agents or delegates (Union Representatives) immediately take all reasonable steps to ensure that Employees who are its members comply with this order.

3.3 For the purposes of this order:

- (a) “Industrial action” means any of the following actions taken or proposed to be taken by Employees, in connection with industrial issues which relate to work performed or usually performed by the Employees:
 - (i) A ban, limitation or restriction on the performance of work, or an acceptance of or offering for work;
 - (ii) A failure or refusal to attend for work and/or to perform work as required by their contract of employment;
 - (iii) The performance of work in a manner different from that in which it is customarily performed or the adoption of a practice in relation to work, the result of which is a restriction or limitation on, or a delay in, the performance of work; and
 - (iv) A failure or refusal to attend for work and/or to perform work as required by their contract of employment in order to attend a stop work meeting.
- (b) “Industrial action” also means a failure or refusal by an employee to attend for work and/or to perform work as required by their contract of employment in order to attend a stop work meeting, whether this action is taken in relation to industrial issues which relate to their work as required by their contract of employment or otherwise,

But shall not include:

- (A) action by an employee that is protected action; or
- (B) action by an employee that is authorised or agreed to by Queensland Corrective Services; or
- (C) action by an employee if:

(I) the action was based on a reasonable concern by an employee about an imminent risk to their health or safety; and

(II) the employee did not unreasonably fail to comply with a direction of the Department to perform other work whether at the same or other workplace, that was safe and appropriate for the employee to perform.

(c) “Industrial action” also means any action or activity by or on behalf of Together Queensland or its Union Representatives to authorise, direct, organise, encourage or incite any of the Employees to engage or participate in any conduct set out in sub-paragraphs 3.3(a) or 3.3 (b) of this Order.

(d) For clarity, “Industrial action” also includes any unauthorised implementation of rolling unlocks or lockaways, 50/50 unlocks, and any failure or refusal to conduct industries, programs, education and/or escorts for doctor and dentist clinics.

4. Service of the Order

4.1 This order shall be deemed to have been served by Queensland Corrective Services serving a copy personally or by email on Michael Thomas, Director of the Together Queensland.

4.2 A copy of this Order shall be posted on notice boards at the Capricornia Correctional Centre and posted on-line at the Together Queensland Corrections internet site and any subsidiary page related to Queensland Corrective Services correctional employees, and on-line at the Queensland Corrective Services Intranet home page.

5. Term and Date of Effect

5.1 This order shall come into effect immediately and shall remain in force until further Order of the Commission.

5.2 Together Queensland shall file an affidavit with the Industrial Registrar by 10:00 am on Monday 18 November 2019 as to whether there has been compliance with the Order, and if there has been default in the compliance, what steps (if any) have been taken by Together Queensland to comply with the Order.

5.3 Queensland Corrective Services is to file an affidavit with the Industrial Registrar by 10:00 am Monday 18 November 2019 as to whether there has been compliance with the Order and, if there has been default in compliance, what steps (if any) have been taken by Queensland Corrective Services to comply with the Order.

6. Remedy

6.1 In the event that any or all of the parties identified within the Order fail to comply with any or all of the obligations detailed in paragraphs 3.1, 3.2 and 3.3 of this Order, the Industrial Registrar will, in accordance with s. 265 (7) of the Act, issue a Notice calling on those parties to show cause to the Full Bench as to why the parties should not be dealt with under s. 266 of the Act.

Dated 15 November 2019

