



ORDER

Fair Work Act 2009
s.418—Industrial action

Boeing Aerostructures Australia Pty Ltd T/A Boeing Aerostructures Australia (BAA)

v

“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU)
(C2018/2048)

Manufacturing and associated industries

DEPUTY PRESIDENT MASSON

MELBOURNE, 18 APRIL 2018

Alleged industrial action at the Boeing Aerostructures Australia Pty Ltd Port Melbourne site.

1. TITLE

1.1 This Order shall be known as the Boeing Aerostructures Australia Pty Ltd Industrial Action Order 2018.

2. PARTIES BOUND

2.1 This Order is binding on and applies to:

- (a) the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union known as Australian Manufacturing Workers’ Union (AMWU);
- (b) officers, employees and agents of the AMWU, and delegates of the AMWU employed by Boeing Aerostructures Australia Pty Ltd (BAA) to perform work at BAA’s site at 226 Lorimer Street Port Melbourne (Site);
- (c) employees of BAA who are:
 - (i) members of the AMWU;
 - (ii) employed at the Site; and
 - (iii) engaged in work that is regulated by the Boeing Aerostructures Australia Pty Ltd (Port Melbourne) Enterprise Agreement 2014 (the Employees).

3. INDUSTRIAL ACTION MUST NOT OCCUR, OR BE THREATENED OR ORGANISED

3.1 On and from the time specified in clause 6 of this Order, each Employee must not engage in Industrial Action.

3.2 On and from the time specified in clause 6 of this Order, the AMWU (and its officers, employees, agents and delegates) must stop organising and must not further organise, Industrial Action by any of the Employees.

4. DEFINITION OF INDUSTRIAL ACTION

4.1 For the purposes of this Order “Industrial Action” means a ban on the use of assembly jigs/fixtures; but excludes:

- (a) “protected industrial action” within the meaning of the Fair Work Act 2009;
- (b) action by an Employee that is authorised or agreed to by BAA; and
- (c) action by an Employee if such action was based on the Employee’s reasonable concern about an imminent risk to the Employee’s health or safety, and the Employee did not unreasonably fail to comply with the directions of BAA to perform other available work, whether at the same or another workplace, that was safe and appropriate for the Employee to perform.

5. SERVICE AND NOTICE OF ORDER

5.1 The AMWU must take all reasonably practicable steps necessary and available to it under its Rules, or otherwise, to immediately:

- (a) advise its officers, employees and agents, and its delegates employed by BAA to perform work at the Site, that:
 - (i) Industrial Action must not be organised; and
 - (ii) Industrial Action must not be threatened; and
- (b) provide a copy of the Order to its delegates employed by BAA to perform work at the Site and ensure that those delegates comply with this Order.

5.2 As soon as practicable after becoming aware of the making of this Order, the AMWU must:

- (a) post a copy of the Order on the Facebook page of the “AMWU Victoria” (<https://www.facebook.com/amwuvic/>);
- (b) post a copy of this Order prominently on the front page of the internet site of the AMWU (www.amwu.org.au);

(c) email a copy of the Order to all Employees for whom the AMWU has an email address.

5.3 As soon as practicable after the making of this Order, BAA must:

(a) email a copy of the Order to all Employees for whom BAA has an email address; and

(b) place a copy of this Order on the notice boards usually used for the purpose of communicating with Employees at the Site.

6. TERM AND DATE OF EFFECT

6.1 This Order shall come into effect at 11.00pm on 18 April 2018 and will remain in force until 11.00am on 28 April 2018.



DEPUTY PRESIDENT

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