

BEFORE THE INDUSTRIAL RELATIONS COMMISSION

OF NEW SOUTH WALES

No. IRC 41072 of 2022

No. IRC 85833 of 2022

**Re: Notification pursuant to s.
130 of the Industrial Relations
Act 1996**

**SECRETARY OF THE MINISTRY OF
HEALTH**

Notifier

**NEW SOUTH WALES NURSES
AND MIDWIVES' ASSOCIATION**

Respondent

ORDERS AND DIRECTIONS

ORDERS

- A. Pursuant to s.137 of the *Industrial Relations Act 1996* the Commission makes the following orders:
1. The NSW Nurses and Midwives Association ("the Association"), its officers, employees, agents and its members employed in NSW Health entities¹, are hereby ordered to immediately cease organising and refrain from taking industrial action by those employees engaged under the *Public Health System Nurses' and Midwives' (State) Award 2021* at NSW Health being the planned strike/s on 31 March 2022.
 2. The Association, its officers, employees and agents, and members must not induce, advise, authorise, support, encourage, direct, aid or abet members of the Association to organise or take industrial action contrary to Order A1.
 3. These orders take effect immediately and shall remain in force until 4:00pm on Monday 2 May 2022 or until further order of the Commission.

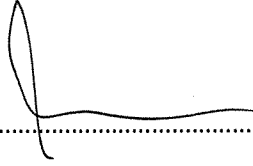
¹ NSW Health Entities includes Local Health Districts and Specialty Networks, statewide health services (NSW Ambulance, NSW Health Pathology, Health Protection NSW, Shared Services and Pillars. See: <https://www.health.nsw.gov.au/about/nswhealth/Pages/chart.aspx>

DIRECTIONS

B. Pursuant to ss. 136(1) of the *Industrial Relations Act*, the Commission makes the following directions:

1. The Association shall by no later than 12 pm on 28 March 2022 issue a public statement which retracts and revokes its direction and/or recommendation to members to strike on 31 March 2022.
2. The Association must immediately take all reasonable steps to discourage and prevent its members employed in NSW Health entities from taking industrial action contrary to Order A1 and must thereafter continue to take such steps whilst these orders remain in effect.
3. Without limiting the steps required to be taken by direction 2, the Association must take the following steps by 5pm on 25 March 2022:
 - a) remove any reference to the strike to occur on 31 March 2022 from its website, social media accounts or any documents linked to its website or social media accounts;
 - b) publish in a prominent position on its website, the Association's Facebook and other social media pages, Order A1 and a direction to members that they comply with those orders and not take industrial action on 31 March 2022.
 - c) Send by email and mobile telephone message to all members a link to Order A1 and a direction to comply with those orders and not take industrial action on 31 March 2022.
4. The Association must, by no later than 5:00pm on 25 March 2022, provide or cause to be provided a copy of Orders A1, A2 and A3 above to Association Representatives employed by the Notifier, all members of the Association Executive and all members of the Association Council.
5. The Association must advise the Notifier's legal representative in writing by 5:00pm on 28 March 2022 of the steps taken to comply with Directions B1, B2, B3 and B4 above, including the form of communications, and if

written, a copy of any communications, and the further steps it intends to take (if any) to comply with Directions B1, B2, B3, and B4 in respect of any relevant member who, by that time, has not been notified.

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a horizontal line that tapers to the right.

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By Order of the Commission

Commissioner Murphy

Dated: Friday, 25 March 2022