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THE UNSATISFACTORY IMPLICATIONS OF THE VICTORIAN NURSES DISPUTE

John Lloyd, Director of the IPA's Work Reform and Productivity Unit said today that the Victorian Government and the Victorian Hospitals Industrial Association must not give in to the unlawful strike action of the Australian Nursing Federation. If the ANF does not call off the action the Government and the nurses' employer should seek an injunction in the Federal Court.

The ANF is allowing its members to conduct short strikes at various public hospitals.

The purpose is to convince the Government and the VHIA to negotiate in a manner that is acceptable to the ANF. The ANF wants to remove nurse/patient ratios from the bargaining agenda.

The strike action has broad implications.

The strikes raise serious questions about the operation of the Fair Work Act. They come after drawn out negotiations and prolonged strikes across a number of industries including airlines, vehicle manufacturing, coal mining and food production. The mechanisms in the Fair Work Act to prevent damaging disputes are clearly not working.

The strikes, frequently described as unprotected action, are unlawful. They occur in defiance of an order of Fair Work Australia.

The employer could seek a Federal Court injunction to stop the action. A continuation of the campaign in these circumstances would raise the prospect of a contempt of a court order and severe maximum penalties.

It is of utmost concern that the union is prepared to defy the tribunal's orders issued pursuant to its powers under the Act. The defiance is public and the ANF is unapologetic.

The ANF tells us nurses play a crucial highly skilled role. They can be involved in delicate decisions with medical, ethical and legal ramifications. It is unacceptable that the ANF and its members defy a lawful order in one field when it suits them. Will a cavalier attitude to the law in one area transfer to other areas of their endeavours?

The ANF should demonstrate leadership, immediately stop the unlawful industrial action, comply with the nation's workplace relations laws and move constructively to settle the dispute.

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