



# ORDER

*Fair Work Act 2009*

s.437 - Application for a protected action ballot order

**Health Services Union**

v

**Integrated Clinical Oncology Network Pty Ltd T/A ICON Cancer Centre**

(B2024/420)

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 10 APRIL 2024

*Proposed protected action ballot of employees of Integrated Clinical Oncology Network Pty Ltd*

Pursuant to s.443 of the *Fair Work Act 2009* (the **Act**) the Fair Work Commission orders:

## **1. PROTECTED ACTION BALLOT TO BE HELD**

The Health Services Union (**HSU** or **Applicant**) is to hold a protected action ballot of employees of Integrated Clinical Oncology Network Pty Ltd T/A ICON Cancer Centre (**ICON** or **Employer**) described in clause 3 of this order.

## **2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT**

The ballot is to be conducted by the Australian Electoral Commission.

## **3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTTED**

In accordance with s.437(5) of the Act, the employees to be balloted are those who will be covered by the proposed enterprise agreement that are normally employed as: Health Services Union members in the Medical Physics department of ICON Cancer Centre in NSW, ACT and QLD and who are classified in the following groups of the employer:

- Medical Physicists
- Group Medical Physicists
- Medical Physics Technicians

employed at the following sites:

- Canberra: 1 Broula Street Corner Broula and Allawoona Streets, Bruce ACT 2617
- Concord: Concord Repatriation General Hospital, Hospital Road, Concord NSW 2139
- Gosford: 41 William Street, Gosford NSW 2250

- Maitland: Maitland Private Hospital, 175 Chisholm Road, East Maitland NSW 2323
- Norwest: Norwest Private Hospital, 11 Norbrik Drive, Bella Vista NSW 2153
- Revesby: 1-3 MacArthur Avenue, Revesby NSW 2212
- Wahroonga: Sydney Adventist Hospital, Clark Tower, Level 2, 185 Fox Valley Road, Wahroonga NSW 2076
- Auchenflower: Wesley Specialist Centre 87 Lang Parade, Auchenflower QLD 4066
- Cairns: 203 Lake Street, Cairns North QLD 4870
- Cairns: Liz Plummer Cancer Care Centre, Block E, Ground Floor, Corner Lake and Grove Streets, Cairns QLD 4870
- Chermside: Chermside Medical Complex, 1/956 Gympie Road, Chermside QLD 4032
- Gold Coast: Gold Coast Private Hospital, Lower Ground 3, 14 Hill Street, Southport QLD 4215
- Gold Coast: Gold Coast University Hospital, Block C, Lower Ground, 1 Hospital Blvd, Southport QLD 4215
- Greenslopes: Greenslopes Private Hospital, Newdegate Street, Greenslopes QLD 4120
- Mackay: 148 Sams Road, North Mackay QLD 4740
- Maroochydore: 60 Wisers Road, Maroochydore QLD 4558
- North Lakes: 9 McLennan Court, North Lakes QLD 4509
- Redland: Bayside Business Park, 16-24 Weippin Street, Cleveland QLD 4163
- South Brisbane: Mater Medical Centre, Level 5, 293 Vulture Street, South Brisbane QLD 4101
- Southport: Premion Place, Level 9, 39 White Street, Southport QLD 4215
- Springfield: Mater Private Hospital, Cancer Care Centre, Level 1, 30 Health Care Drive, Springfield QLD 4300
- Toowoomba: St Andrew's Cancer Care Centre, 280 North Street, Toowoomba QLD 4350
- Townsville: 9-13 Bayswater Road, Hyde Park QLD 4812
- Wesley: Wesley Medical Centre, Level 1, 40 Chasely Street, Auchenflower QLD 4066

and are represented by the bargaining representative who is the applicant for this protected action ballot order.

#### **4. DATE BY WHICH BALLOT CLOSES**

The date by which voting in the protected action ballot is to close is 24 May 2024.

## 5. QUESTIONS

The question(s) to be put to voters in the ballot are:

*In support of reaching an enterprise agreement with your employer, do you authorise the taking of protected industrial action against your employer separately, concurrently and/or consecutively, in the form of:*

1. *An unlimited number of stoppages of work for 1-hour periods?  
Yes [ ] No [ ]*
2. *An unlimited number of stoppages of work for 2-hour periods?  
Yes [ ] No [ ]*
3. *An unlimited number of stoppages of work for 4-hour periods?  
Yes [ ] No [ ]*
4. *An unlimited number of stoppages of work for 8-hour periods?  
Yes [ ] No [ ]*
5. *An unlimited number of stoppages of work for indefinite periods?  
Yes [ ] No [ ]*
6. *An unlimited number of stoppages of work of up to 1 hours' duration for the purposes of speaking to the media about the reasons for the industrial action and the Union's campaign for a new enterprise bargaining agreement?  
Yes [ ] No [ ]*
7. *An unlimited number of stoppages of work of up to 1 hour's duration for the purposes of distributing material and speaking to the employer's customers or clients, their families or other members of the public about the reasons for the industrial action and the Union's campaign for a new enterprise bargaining agreement?  
Yes [ ] No [ ]*
8. *Indefinite refusal to send emails unless email signatures have campaign messaging such as "HSU members in Medical Physics are campaigning for equal wages across states. We have more responsibility than our industry colleagues, with lesser pay and conditions. Show your support for our campaign by emailing mark.middleton@icon.team"?*  
Yes [ ] No [ ]
9. *Indefinite refusal to attend meetings unless Zoom/Microsoft Teams background to commonly used HSU backgrounds?  
Yes [ ] No [ ]*
10. *Indefinite refusal to complete Litmos courses?  
Yes [ ] No [ ]*
11. *Indefinite refusal to provide input on Riskman cases?  
Yes [ ] No [ ]*

12. *Indefinite refusal to perform Quality Assurance out of hours?*  
Yes [ ] No [ ]
13. *Unlimited refusal to perform Quality Assurance for more than one hour per day?*  
Yes [ ] No [ ]
14. *Indefinite refusal to accept calls out of hours?*  
Yes [ ] No [ ]
15. *Indefinite refusal to complete project work (including system upgrades)?*  
Yes [ ] No [ ]
16. *Indefinite refusal to participate in Technical Stream meetings and associated activities?*  
Yes [ ] No [ ]
17. *Indefinite refusal to participate in Vendor research or development collaborations and projects?*  
Yes [ ] No [ ]
18. *Unlimited stoppages of work for up to 1 hour to post on social media about the campaign?*  
Yes [ ] No [ ]
19. *Unlimited stoppages of non-clinical work?*  
Yes [ ] No [ ]
20. *Indefinite refusal to perform higher duties?*  
Yes [ ] No [ ]
21. *Indefinite refusal to provide training or inductions?*  
Yes [ ] No [ ]
22. *Indefinite refusal to work at or for any site except home site specified in contract?*  
Yes [ ] No [ ]
23. *Indefinite refusal to cover other sites due to staff leave/absence?*  
Yes [ ] No [ ]
24. *Indefinite stoppages of work for up to 1 hour to write to ICON's PPP Partners about the campaign?*  
Yes [ ] No [ ]

## **6. NOTICE OF INDUSTRIAL ACTION**

Pursuant to s.443(5) of the Act, the HSU is required to provide five (5) working days written notice in respect to the action in Clause 5 of this order.

**7. DATE OF EFFECT**

This order commences on 10 April 2024.



DEPUTY PRESIDENT

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