



# Form 73A – Notice of WHS dispute

Work Health and Safety Act 2011, section 102B

  
**INDUSTRIAL REGISTRAR**

19 MAY 2022

  
**QUEENSLAND**

**NOTICE** is hereby given under section 102B of the *Work Health and Safety Act 2011* to deal with a dispute.

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|--|--|
| <b>BETWEEN</b>   |  |
| Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia ( " the ETU " ) |  |
| v  |  |
| Coca-Cola Europacific Partners Australia Pty Limited   |  |

|  |   |                       |  |
|--|---|-----------------------|--|
| <b>1. Particulars of party making application to deal with the dispute</b> |   |                       |  |
| <b>Name:</b>   | Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services |                       |  |
|  | Union of Australia ("the ETU")  |                       |  |
| <b>Phone number:</b>   | (07) 3846 2477  | <b>Fax number:</b>    |  |
| <b>Mobile number:</b>  | 0419 382 192  |                       |  |
| <b>Email address:</b>  | industrial@etu.org.au   |                       |  |
| <b>Name of contact person:</b>   | Margarita Cerrato   |                       |  |
|  |   |                       |  |
| <b>Direct phone number of contact person:</b>                              | (07) 3010 0339  | <b>Mobile number:</b> |  |
| <b>Email address of contact person:</b>                                    | industrial@etu.org.au   |                       |  |


**Workplace where dispute exists***1000 character limit, (Note: If more than 1000 characters are required please attach a schedule)*260 Orchard Road  
Richlands QLD 4077**WHS matter subject of the dispute***(must include sufficient detail) 1000 character limit, (Note: If more than 1000 characters are required please attach a schedule)*

Please see Schedule 1

**Is a decision made by an inspector to exercise, or not to exercise, compliance powers under part 10 to assist in resolving the dispute subject to review under part 12?**  YES  NO**Particulars of the other party/parties to the dispute**

|  |  |                       |  |
|--|--|-----------------------|--|
| <b>Organisation:</b>                           | Coca-Cola Europacific Partners Australia Pty Ltd |                       |  |
| <b>Phone number:</b>                           | 0455 965 737                                     | <b>Fax number:</b>    |  |
| <b>Email address:</b>                          | ashley.seraphina@ccep.com                        |                       |  |
| <b>Name of contact person:</b>                 | Ashley Seraphina                                 |                       |  |
| <b>Direct phone number of contact person:</b>  | 0455 965 737                                     | <b>Mobile number:</b> |  |
| <b>Direct email address of contact person:</b> | ashley.seraphina@ccep.com                        |                       |  |

**Signature of person notifying the dispute**

|                           |   |
|---------------------------|---|
| <b>Signature:</b>         |  |
| <b>Name:</b>              | Peter Ong   |
| <b>Position/Capacity:</b> | Divisional Branch Secretary   |
| <b>Date:</b>              | 19 / 05 / 2022  |

## Schedule 1

### WHS matter subject of the dispute

1. Mr Simon Baldwin has worked for the Respondent as a Store Activation Specialist for more than 28 years.
2. In that role Mr Baldwin is required to attend various sites to service vending machines on behalf of the Respondent.
3. The Respondent has vending machines which are placed in prisons in Queensland. Until last year, the work of servicing vending machines in prisons had been outsourced, when the Respondent made a decision to bring that work in house.
4. In or around late November/early December 2021, Mr Baldwin was directed by the Respondent to attend prisons to service vending machines.
5. Mr Baldwin raised significant health and safety concerns with that direction due to his long history of association with members of the Queensland Police. Mr Baldwin had previously worked at the Logan PCYC and often participated in activities alongside serving police officers such as football games. On occasions members of "the coppers side" as they were known were targeted when on the field. On one occasion, Mr Baldwin was carried off the field unconscious after an opposing player was heard to state "hit the pig".
6. Mr Baldwin is known to some members of the prison community due to his close association with the Queensland Police over a number of decades.
7. Mr Baldwin advised the Respondent that he held concerns for his safety and the safety of family and friends if he were to regularly be required to enter prisons to service vending machines. Mr Baldwin provided a letter from a serving police officer confirming his association with the Queensland Police and which outlined the potential for at least psychological injury associated with the stress and anxiety of being recognized by known criminals and potentially targeted. It was indicated to Mr Baldwin that a risk assessment would be conducted, however, we are unaware of any risk assessment which has been undertaken.
8. After Mr Baldwin disputed the issue in December 2021 and the issue remained unresolved, on behalf of Mr Baldwin, the Applicant requested an Inspector be appointed to assist the parties resolve the dispute.
9. Arising from that intervention, the Applicant was advised by the Inspector that the Respondent had agreed to further consultation on the matter.
10. A meeting took place on 25 January 2022, organized by Mr Mark Whybrow from the Respondent, who indicated he would speak to the police officer who provided the statement and further review the matter. The Applicant understands that Mr Whybrow delegated the task of ringing the police officer to another staff member.
11. Until around 17 May 2022, nothing further was heard from the Respondent and Mr Baldwin was not directed to attend prisons as part of his role.
12. On 17 May 2022, Mr Baldwin was required to attend a meeting with Mr Daniel Battye and Ms Ashley Seraphina for the Respondent where he was advised that he would be required to attend prisons to service vending machines. Mr Baldwin, accompanied by ETU Organiser, Mr Keith McKenzie outlined his concerns with the direction.
13. Subsequent to that meeting, Mr Baldwin was advised in an e-mail from Ms Seraphina that it was considered that he had supplied 'insufficient evidence' to establish a genuine health and safety risk and that unless he provided further evidence he would be required to attend prisons from Wednesday 25 May 2022. He was also directed to fill out the form provided by Corrective Services to facilitate his attendance at prisons. He was advised that if he failed to follow these

directions, disciplinary action may be taken against him for refusing a 'lawful and reasonable' direction.

14. The Respondent advised that they had consulted with the operators of prisons and were satisfied they had reasonably practicable measures in place to ensure he didn't come into physical contact with any prisoners.
15. He was advised that should any incident occur as a result of his attendance at a prison, that he should report the matter to the Respondent and the police and at that point the Respondent may consider putting in place 'reasonably practicable' measures to minimize risks to health and safety, that is, after an actual incident, which may include harm to himself or a member of his family or a friend.
16. The Applicant contends that the Respondent has failed to appreciate the risk to Mr Baldwin, which is more than a fear that he may be assaulted whilst in attendance at a prison. It is well known that criminal elements in prisons have substantial contacts in the community and the concern of Mr Baldwin also relates to his mental health in that he will not feel secure in circumstances where he has been recognized and that he will also have anxiety about potential threats to his family and friends.
17. The Applicant contends that, by directing Mr Baldwin to attend prisons, that they are not upholding their Duty of Care pursuant to the *Workplace Health and Safety Act 2011*.
18. Given the threat to take disciplinary action against Mr Baldwin we seek a conference before the Commission be listed expeditiously.
19. We will be writing to the Respondent requesting that no adverse action be taken against Mr Baldwin until such time as the matter has been dealt with before the QIRC.