

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2016 - 2017

Agency - Fair Work Commission

Department of Employment Question No. EMSQ17-003964

Senator Abetz provided in writing.

Question

FWC - Kitchen

1. Is there a kitchen next to the President's chamber in the Melbourne chambers?
2. Does the President personally avail himself of that facility?
3. Did the President ever note political or industrial material attached to the kitchen cupboards?
4. How long was the attached material displayed?
5. Who authorised the use of cupboards for the material to be displayed?
6. Does the Commission have a notice board for industrial messages?
7. Has any other industrial or political messages ever been posted on the cupboards to the President's knowledge?
8. Was any complaint received about materials being placed on the cupboards?
 - a. If so, please advise any response or subsequent action that may have been taken.

Answer

1. There is a kitchen located near the President's Chambers in the Fair Work Commission's (Commission's) Melbourne premises.
2. The President uses the kitchen facilities from time to time.
3. The administrative arm of the Commission, headed by the General Manager, has responsibility for material displayed in the workplace. The President has no responsibility for such material and has no capacity to give any direction or authorisation to employees in relation to it. The acting General Manager understands that CPSU posters relating to bargaining for a new enterprise agreement for Commission employees were attached to cupboards in the kitchen during March 2015 and November 2016.
4. The acting General Manager does not know for how long the material was displayed.
5. No authorisation was sought or given.
6. No.
7. The administrative arm of the Commission, headed by the General Manager, has responsibility for material displayed in the workplace. The President has no responsibility for such material and has no capacity to give any direction or authorisation to employees in relation to it. The acting General Manager is not aware of any material being displayed on cupboards in the kitchen apart from the material described above.
8. Then Vice President Watson complained to the General Manager in March 2015 and November 2016 about the CPSU posters in the kitchen.
- 8.a The General Manager responded in writing to Vice President Watson's complaints in March 2015 and November 2016 declining to direct that the posters be removed, as they were not in public areas of the premises, the Commission's enterprise agreement allows employee representatives reasonably to communicate with employees in the

workplace, and removing the material was not considered constructive in the context. In response to the March 2015 complaint, the acting Director of Corporate Services emailed all Members and staff in March 2015 advising that the posters were produced by the CPSU and that any opinions or characterisations of fact in them were those of the CPSU and did not represent the Commission's views. At various times posters advocating management's position in enterprise bargaining have also been displayed in non-public areas of the workplace.