

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2009-2010**

Outcome 5 - Workplace Relations

DEEWR Question No.EW0979_10

Senator Abetz asked on 10/02/2010, Hansard page 86.

Question

BULLYING AND COERCION

Senator ABETZ—Minister, in the face of this report about the cost of bullying in the Australian workplace, is it still the government's intention to remove the capacity of the ABCC to deal with bullying and coercion on building and construction sites?

Senator ARBIB—Senator, I will need to check that for you, but can I just say that, in terms of bullying in the workplace, under the new model OH&S laws there will be a strengthening. They will be dealt with in the same way as they are under the current Victorian OH&S laws.

Senator ABETZ—But not, as currently, under the ABCC.

Senator ARBIB—I said I would get that information

Answer

The Department of Education, Employment and Workplace Relations provided the following response.

Provisions relating to coercion are currently included in both the *Fair Work Act 2009* (Fair Work Act) and the *Building and Construction Industry Improvement Act 2005* (BCII Act).

The Fair Work Act covers all of the coercive conduct that is currently prohibited under the BCII Act and also extends to a significantly broader range of coercion. This means it protects building industry participants in a wider range of situations than those currently covered by the BCII Act. The provisions in the Fair Work Act are unaffected by the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 (the Bill).

Should the Bill be passed by the Parliament the Fair Work Building Industry Inspectorate, which will replace the Australian Building and Construction Commissioner, will enforce these rules in the building and construction industry.