

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

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

**Outcome 5 - Workplace Relations**

**DEEWR Question No.EW1066\_10**

**Senator Abetz asked on 10/02/2010, Hansard page 153.**

**Question**

**NEW RIGHTS UNDER THE *FAIR WORK ACT 2009***

Senator ABETZ—.....Are there any other new rights that you can point to, or do you want to take that on notice? Mr Kovacic—In terms of rights, we would take on notice the question— Senator ABETZ—All right.

**Answer**

As indicated at pages 152 and 153 of Hansard, new rights provided to employers by the *Fair Work Act 2009* include:

- The right not to be coerced to exercise or not exercise a workplace right (as defined in section 341(1)) or to engage or not engage in an industrial activity (as defined in section 347) – see sections 343 and 348.
- Protection from misrepresentations in relation to workplace rights and engaging in industrial activities – see sections 345 and 349. Importantly, these do not require that the other person actually acts or does not act because of the misrepresentation.
- The right not to be coerced to engage a particular person or independent contractor or to give a particular person or independent contractor particular duties or responsibilities – see section 355. These mirror provisions contained in the *Building and Construction Industry Improvement Act 2005*.

The broad protections in relation to workplace rights and engaging in industrial activities are new rights. However, it should be noted that they do incorporate some specific protections that were previously included in the *Workplace Relations Act 1996*.