

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Additional Estimates 2013-2014**

Outcome 2 - Workplace Relations & Economic Strategy

Department of Employment Question No. EM0492_14

Senator McKenzie provided in writing.

Question

FWC ruling

1. Is the Minister aware of a recent decision by a FWC Full Bench that found the obligation for employers to let employees bring a support person with them to any discussions that could lead to dismissal does not extend to allowing that person to be an advocate, a FWC full bench has confirmed in overturning a ruling by Commissioner John Ryan that an executive director was constructively dismissed?

2. Given this is yet another decision having been overturned of Commissioner Ryan, is the Government monitoring the decisions of Commissioner Ryan and the appeals to them?

Answer

I am aware of the decision of the Fair Work Commission Full Bench in *Victorian Association for the Teaching of English Inc v de Laps* [2014] FWCFB 613 (19 February 2014).

I am deeply concerned about the number of decisions of Fair Work Commission members that are being overturned. Due to this concern I am keeping a watching brief on appeals of these decisions, as well as appeal outcomes.

In addition, as outlined in our election commitments, the Government is considering the operation of the current Fair Work Commission appeal mechanisms and how they could be improved.