

## EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

### SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2008-09 BUDGET ESTIMATES HEARING

**Outcome**            **WORKPLACE AUTHORITY**

**Question No.**    **EW621\_09**

Senator Fisher asked on 3 June 2008, EEWHR Hansard page 48:

#### **Question**

*Prohibited content*

Have you got a breakdown of the type of prohibited content that was included in those 23 agreements [from 1 May 2007 to 1 May 2008] where prohibited content was removed] ?

#### **Answer**

The Workplace Authority has provided the following response:

1. In total 23 agreements were gazetted as being varied to remove prohibited content.
2. 12 of these agreements are union collective agreements, 10 are employee collective agreements, and one is a pre-reform certified agreement.
3. Breakdown of types of clauses that have been found to contain prohibited content.

	<b>Types of prohibited content clauses struck out – clause dealing with:</b>	Number of clauses
(i)	Imposition of a penalty on an employee as a result of: <ul style="list-style-type: none"><li>- an employee failing to comply with the notice and evidence requirements to substantiate an entitlement to sick leave; and</li><li>- being absent from work due to an illness, injury or emergency.</li><li>-</li></ul>	15
(ii)	Union participation in a dispute settlement procedure	7
(iii)	Restriction on the ability of a party bound by the agreement to offer, negotiate or enter into an AWA	7
(iv)	Restriction on the engagement of independent contractors and labour hire workers	6
(v)	Paid leave to attend union meetings/training	6
(vi)	Matters not pertaining to an employment relationship eg. union notice boards	6
(vii)	Conferring a right or remedy in relation to the termination of employment of an employee bound by the agreement for a reason that is harsh, unjust or unreasonable	5

(viii)	Provision of information to a trade union	4
(ix)	Objectionable provisions within the meaning of the Workplace Relations Act 1996	5
(x)	Right of entry for an official of an organisation of employers or employees	3
(xi)	Discrimination	2
(xii)	Union deductions	2
(xiii)	Renegotiation of a workplace agreement	2
(xiv)	Permitting a party to the agreement to engage in or organise industrial action	1
(xv)	Union membership encouragement	1