

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

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Outcome 5 - Workplace Relations

DEEWR Question No. EW0154_12

Senator Fisher provided in writing.

Question

Union Delegates

1. Can the department please conduct a qualitative and quantitative analysis of issues dealt with in each of the following clauses (numbered below) in the attached agreement, with any agreement approved by the Fair Work Australia (FWA) in comparable sectors or industries?

Union Delegates

2.4 The Agreement requires that union officials:

- be employed by the company (clause 2.4.4);
- have as much paid time as necessary to attend to union issues on-site;
- have paid time to attend 'dispute resolution education';
- are provided phone, fax, post, photocopying, internet and email facilities;
- have paid time to attend industrial tribunal hearings (clause 2.4.5);
- shall not be transferred without union agreement (clause 2.4.11);
- have 5 days a year to attend union conferences (clause 2.4.12);
- have 5 days training a year at union seminars (clause 2.4.13);
- be provided with a car to attend union courses (clause 2.4.14); and
- have unrestricted access to worksites (clause 2.7.1).

Answer

Based on data drawn from the department's Workplace Agreements Database, 31.2 per cent of agreements approved under the *Fair Work Act 2009* in 2010 contain a provision relating to leave to attend union training. The Workplace Agreements Database does not contain information about the scope of such provisions. (The data provided is for agreements approved in 2010 only as information on this provision was not collected prior to that.)

With regards to union right of entry, clause 2.7.1 of the draft agreement states the following:

2.7. Entry to Premises

2.7.1. Subject to clause 2.7.2 below, a Permit Holder may enter premises occupied by the Employer for any purpose that relates to the Union's legitimate role in representing Employees, including:

- (a) to assist with representing an Employee under a term dealing with the resolution of disputes or consultation over workplace change; or

- (b) to attend induction meetings of new Employees; or
- (c) to attend toolbox meetings or equivalent, provided that prior notice is given by the Permit Holder; or
- (d) to meet with the Employer when bargaining for a replacement to the current agreement.

2.7.2. Notwithstanding the above clause, or any other term in this agreement, this Agreement does not:

- (a) provide an entitlement to enter premises for a purpose referred to in s.481 of the Fair Work Act 2009 (which deals with investigation of suspected contraventions); or
- (b) provide an entitlement to enter premises to hold discussions of a kind referred to in s.484 of the Fair Work Act 2009; or
- (c) provide for the exercise of a State or Territory OHS right.

Based on data drawn from the department's Workplace Agreements Database, 14.9 per cent of agreements approved under the *Fair Work Act 2009* in 2010 contain provisions relating to union right of entry. The Workplace Agreements Database does not contain information about the scope of such clauses. (The data provided is for agreements approved in 2010 only as information on this provision was not collected prior to that.)

The Workplace Agreements Database does not record any information on either the incidence or scope of clauses that cover the other provisions relating to union delegates.